

JOURNAL of THE SENATE State of West Virginia

EIGHTY-FIRST LEGISLATURE

Regular Sixty-Day (and Extended) Session, 2013

First Extraordinary Session, 2013

VOLUME I



NOTE: The first volume of this three-volume Official Senate Journal starts with proceedings proper of the First Regular Session of the Eighty-First Legislature from January 9, 2013, to April 1, 2013, ending with page 1038 of the Regular Session.

The Index of the Official Journal and the proceedings of the First Extraordinary Session of 2013 are shown in Volume III.



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JOURNAL of THE SENATE State of West Virginia

EIGHTY-FIRST LEGISLATURE

Regular Sixty-Day (and Extended) Session, 2013



NOTE: The First Regular Session of the Eightieth-First Legislature convened on January 9, 2013, and concluded the sixty-day constitutional session at midnight, April 13, 2013 . However, by proclamation of the Governor, the session was extended for passage of the annual Budget Bill and final adjournment came on April 17, 2013.

This session 1,829 bills were introduced in the two houses.

Members of the Legislature, officers and standing committee membership lists precede the Official Regular Session Journal and are shown hereinafter.

PUBLISHED UNDER THE DIRECTION OF
JOSEPH M. MINARD, *Senate Clerk*

STAFF

Marguerite E. Duda, *Deputy Clerk*

Lora Thompson, *Chief Desk Clerk*

Lori Nichols, *Journal Clerk*

Kristin Canterbury, *Bill History Clerk*

Josh Mattern, *Bill Clerk*

LEGISLATURE OF WEST VIRGINIA
MEMBERS, OFFICERS AND STANDING COMMITTEES

SENATE

REGULAR SESSION, 2013

OFFICERS

President: Jeffrey V. Kessler, (D), Glen Dale
President Pro Tempore: Larry J. Edgell, (D), New Martinsville
Clerk: Joseph M. Minard, (D), Clarksburg
Sergeant-at-Arms: Howard L. Wellman, (D), Bluefield
Doorkeeper: Anthony Gallo, (D), Charleston

District	Name	Address
First	¹ Robert J. Fitzsimmons, (D)	Wheeling
	*Jack Yost, (D)	Wellsburg
Second	Larry J. Edgell, (D)	New Martinsville
	*Jeffrey V. Kessler, (D)	Glen Dale
Third	*Donna J. Boley, (R)	St. Marys
	David C. Nohe, (R)	Vienna
Fourth	*Mitch Carmichael, (R)	Ripley
	Mike Hall, (R)	Hurricane
Fifth	Evan H. Jenkins, (D)	Huntington
	*Robert H. Plymale, (D)	Ceredo
Sixth	H. Truman Chafin, (D)	Williamson
	*William Cole, (D)	Bluefield
Seventh	*Art Kirkendoll, (D)	Logan
	Ron D. Stollings, (D)	Madison
Eighth	*Chris Walters, (R)	Poca
	Erik P. Wells, (D)	Charleston
Ninth	Mike Green, (D)	Daniels
	*Daniel Hall, (D)	Oceana
Tenth	*William R. Laird IV, (D)	Oak Hill
	Ronald F. Miller, (D)	Lewisburg
Eleventh	*Clark S. Barnes, (R)	Beverly
	Gregory A. Tucker, (D)	Summersville
Twelfth	² Samuel J. Cann, (D)	Bridgeport
	*Douglas E. Facemire, (D)	Sutton
Thirteenth	Robert D. Beach, (D)	Morgantown
	*Roman W. Prezioso, Jr., (D)	Fairmont
Fourteenth	Dave Sypolt, (R)	Kingwood
	*Bob Williams, (D)	Grafton
Fifteenth	*Craig Blair, (R)	Martinsburg
	³ Donald H. Cookman, (D)	Romney
Sixteenth	*Herb Snyder, (D)	Shenandoah Junction
	John R. Unger II, (D)	Martinsburg
Seventeenth	Brooks F. McCabe, Jr., (D)	Charleston
	*Corey Palumbo, (D)	Charleston

* Elected in 2012 to full four-year term.

¹ Appointed December 26, 2012, to unexpired term of Orphy Klempa, who resigned December 10, 2012.

² Appointed January 16, 2013, to unexpired term of Joseph M. Minard, who resigned January 9, 2013.

³ Appointed January 23, 2013, to unexpired term of Walt Helmick, who resigned January 14, 2013.

Democrats 25
 Republicans 9
 Total 34

STANDING COMMITTEES OF THE SENATE

2013

AGRICULTURE AND RURAL DEVELOPMENT

Senators Miller (*Chair*), Williams (*Vice Chair*), Beach, Cann, Cookman, D. Hall, Laird, Tucker, Carmichael, Nohe and Sypolt.

BANKING AND INSURANCE

Senators Tucker (*Chair*), Fitzsimmons (*Vice Chair*), Chafin, Facemire, Green, D. Hall, Jenkins, McCabe, Palumbo, Prezioso, M. Hall, Nohe and Walters.

CONFIRMATIONS

Senators Green (*Chair*), Facemire (*Vice Chair*), Chafin, Miller, Plymale, Snyder, Yost, Cole and Sypolt.

ECONOMIC DEVELOPMENT

Senators Williams (*Chair*), Cann (*Vice Chair*), Beach, Cookman, Kirkendoll, McCabe, Prezioso, Snyder, Stollings, Wells, Barnes, Blair, Sypolt and Walters.

EDUCATION

Senators Plymale (*Chair*), Wells (*Vice Chair*), Beach, Chafin, Edgell, D. Hall, Laird, Stollings, Tucker, Unger, Barnes, Boley, Carmichael and Cole.

ENERGY, INDUSTRY AND MINING

Senators Facemire (*Chair*), Kirkendoll (*Vice Chair*), Beach, Cann, Green, Jenkins, Plymale, Snyder, Stollings, Yost, Barnes, Nohe and Sypolt.

ENROLLED BILLS

Senators Cookman (*Chair*), Edgell, Fitzsimmons, Palumbo and Cole.

FINANCE

Senators Prezioso (*Chair*), Facemire (*Vice Chair*), Chafin, Edgell, Green, Laird, McCabe, Plymale, Stollings, Unger, Wells, Yost, Barnes, Blair, Boley, M. Hall and Sypolt.

GOVERNMENT ORGANIZATION

Senators Snyder (*Chair*), Miller (*Vice Chair*), Cann, Cookman, Fitzsimmons, Green, Jenkins, Kirkendoll, Williams, Yost, Blair, Boley, Cole and Sypolt.

HEALTH AND HUMAN RESOURCES

Senators Stollings (*Chair*), Jenkins (*Vice Chair*), Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley, M. Hall and Walters.

INTERSTATE COOPERATION

Senators Kirkendoll (*Chair*), Cookman (*Vice Chair*), D. Hall, Palumbo, Wells, Blair and Nohe.

JUDICIARY

Senators Palumbo (*Chair*), Tucker (*Vice Chair*), Beach, Cann, Cookman, Fitzsimmons, D. Hall, Jenkins, Kirkendoll, Miller, Snyder, Unger, Williams, Carmichael, Cole, Nohe and Walters.

LABOR

Senators Yost (*Chair*), D. Hall (*Vice Chair*), Chafin, Facemire, Fitzsimmons, McCabe, Miller, Wells, Barnes, Blair and Walters.

MILITARY

Senators Wells (*Chair*), Yost (*Vice Chair*), Edgell, Fitzsimmons, Jenkins, Laird, Tucker, Boley and Carmichael.

NATURAL RESOURCES

Senators Laird (*Chair*), Edgell (*Vice Chair*), Beach, Cookman, Facemire, Green, McCabe, Prezioso, Snyder, Williams, M. Hall, Nohe and Walters.

PENSIONS

Senators Jenkins (*Chair*), McCabe (*Vice Chair*), Cann, Chafin, Edgell, Carmichael and M. Hall.

RULES

Senators Kessler (*Chair*), Edgell, Palumbo, Plymale, Prezioso, Snyder, Stollings, Unger, Barnes, Boley and M. Hall.

TRANSPORTATION AND INFRASTRUCTURE

Senators Beach (*Chair*), Kirkendoll (*Vice Chair*), Facemire, Fitzsimmons, McCabe, Plymale, Williams, Barnes and Cole.

SELECT COMMITTEE ON CHILDREN AND POVERTY

Senators Unger (*Chair*), Edgell (*Vice Chair*), Cookman, Laird, Miller, Palumbo, Plymale, Prezioso, Stollings, Barnes and M. Hall.

JOINT COMMITTEES

GOVERNMENT AND FINANCE

Senators Kessler (*Cochair*), Palumbo, Plymale, Prezioso, Unger, Barnes and M. Hall.

GOVERNMENT OPERATIONS

Senators Snyder (*Cochair*), Green (*Vice Cochair*), Cann, Fitzsimmons, Cole and Blair.

LEGISLATIVE RULE-MAKING REVIEW

Senators Snyder (*Cochair*), Laird, Miller, Unger, Boley, M. Hall and Kessler (*ex officio*).

PENSIONS AND RETIREMENT

Senators Jenkins (*Cochair*), McCabe (*Vice Cochair*), Cann, Chafin, Edgell, Carmichael and M. Hall.

RULES

Senators Kessler (*Cochair*), Unger and M. Hall.

STATUTORY LEGISLATIVE COMMISSIONS

COMMISSION ON ECONOMIC DEVELOPMENT

Senators Williams (*Cochair*), Cann (*Vice Cochair*), Beach, Cookman, Kirkendoll, McCabe, Stollings, Wells, Unger, Barnes, Blair and Sypolt.

COMMISSION ON INTERSTATE COOPERATION

Senators Kirkendoll (*Cochair*), Cookman (*Vice Cochair*), Fitzsimmons, D. Hall, Wells, Blair and Nohe.

COMMISSION ON SPECIAL INVESTIGATIONS

Senators Kessler (*Cochair*), Palumbo, Unger, Boley and M. Hall.

FOREST MANAGEMENT REVIEW COMMISSION

Senators Williams (*Cochair*), Beach, D. Hall, Miller and Sypolt.

**LEGISLATIVE OVERSIGHT COMMISSION ON
EDUCATION ACCOUNTABILITY**

Senators Plymale (*Cochair*), Wells (*Vice Cochair*), Beach, Edgell, Unger, Boley and Kessler (*ex officio*).

**LEGISLATIVE OVERSIGHT COMMISSION ON
HEALTH AND HUMAN RESOURCES ACCOUNTABILITY**

Senators Stollings (*Cochair*), Jenkins (*Vice Cochair*), Laird, Unger, Boley and M. Hall.

**LEGISLATIVE OVERSIGHT COMMISSION ON
STATE WATER RESOURCES**

Senators Unger (*Cochair*), Green (*Vice Cochair*), Laird, Miller and Walters.

**LEGISLATIVE OVERSIGHT COMMISSION ON
WORKFORCE INVESTMENT FOR ECONOMIC
DEVELOPMENT**

Senators Unger (*Cochair*), McCabe, Williams and Sypolt.

**LEGISLATIVE OVERSIGHT COMMITTEE ON THE
REGIONAL JAIL AND CORRECTIONAL FACILITY
AUTHORITY**

Senators Laird (*Cochair*), Cookman, Green, Tucker and Barnes.

HOUSE OF DELEGATES
REGULAR SESSION, 2013

OFFICERS

Speaker: Richard Thompson, (D), Lavalette
Clerk: Gregory M. Gray, (D), Charleston
Speaker Pro Tempore: Randy Swartzmiller, (D), Chester
Sergeant-at-Arms: George McClaskie, (D), Charleston
Doorkeeper: Tom Hively, (D), Chesapeake

District	Name	Address
First	Ronnie D. Jones, (D)	Weirton
	Randy Swartzmiller, (D)	Chester
Second	Phillip W. Diserio, (D)	Follansbee
	Ryan Ferns, (D)	Wheeling
Third	Erikka Storch, (R)	Wheeling
Fourth	David E. Evans, (R)	Moundsville
	Michael T. Ferro, (D)	McMechen
Fifth	Dave Pethtel, (D)	Hundred
Sixth	William Roger Romine, (R)	Sistersville
Seventh	Lynwood Ireland, (R)	Pullman
Eighth	Everette W. Anderson, Jr., (R)	Williamstown
Ninth	Anna Border Sheppard, (R)	Davisville
	Tom Azinger, (R)	Vienna
Tenth	John N. Ellem, (R)	Parkersburg
	Daniel Poling, (D)	Parkersburg
Eleventh	Bob Ashley, (R)	Spencer
Twelfth	Steve Westfall, (R)	Ripley
Thirteenth	Scott Cadle, (R)	Letart
	Brady Paxton, (D)	Liberty
Fourteenth	Jim Butler, (R)	Henderson
Fifteenth	Troy Andes, (R)	Hurricane
Sixteenth	Kevin J. Craig, (D)	Huntington
	Carol Miller, (R)	Huntington
Seventeenth	James H. Morgan, (D)	Huntington
	Doug Reynolds, (D)	Huntington
Eighteenth	Kelli Sobonya, (R)	Huntington
Nineteenth	Don C. Perdue, (D)	Prichard
	Richard Thompson, (D)	Lavalette
Twentieth	Justin J. Marcum, (D)	Williamson
Twenty-first	Harry Keith White, (D)	Gilbert
Twenty-second	Jeff Eldridge, (D)	Alum Creek
	Josh Stowers, (D)	Alum Creek
Twenty-third	Joshua Nelson, (R)	Danville
Twenty-fourth	Rupert Phillips, Jr., (D)	Lorado
	Teddy Tomblin, (D)	Logan
Twenty-fifth	Linda Goode Phillips, (D)	Pineville
Twenty-sixth	Clif Moore, (D)	Thorpe
Twenty-seventh	Joe Ellington, (R)	Princeton
	Marty Gearheart, (R)	Bluefield
Twenty-eighth	John Shott, (R)	Bluefield
	Roy G. Cooper, (R)	Wayside
Twenty-ninth	John D. O'Neal IV, (R)	Beckley
	Ricky Moye, (D)	Crab Orchard
Thirtieth	Linda Sumner, (R)	Beckley
Thirty-first	Lynne Carden Arvon, (R)	Beckley
Thirty-second	David G. Perry, (D)	Oak Hill
	John Pino, (D)	Oak Hill
	Margaret Anne Staggers, (D)	Fayetteville

Thirty-third	David A. Walker, (D)	Clendenin
Thirty-fourth	Brent Boggs, (D)	Gassaway
Thirty-fifth	John B. McCuskey, (R)	Charleston
	Eric Nelson, (R)	Charleston
	Suzette Raines, (R)	St. Albans
	Doug Skaff, Jr., (D)	South Charleston
Thirty-sixth	Nancy Peoples Guthrie, (D)	Charleston
	Mark Hunt, (D)	Charleston
	Danny Wells, (D)	Charleston
Thirty-seventh	Meshea L. Poore, (D)	Charleston
Thirty-eighth	Patrick Lane, (R)	Cross Lanes
Thirty-ninth	Ron Walters, (R)	Charleston
Fortieth	Tim Armstead, (R)	Elkview
Forty-first	Adam R. Young, (D)	Summersville
Forty-second	George Ambler, (R)	Fort Springs
	Ray Canterbury, (R)	Ronceverte
Forty-third	Denise L. Campbell, (D)	Elkins
	William G. Hartman, (D)	Elkins
Forty-fourth	Dana L. Lynch, (D)	Webster Springs
Forty-fifth	Bill Hamilton, (R)	Buckhannon
Forty-sixth	Peggy Donaldson Smith, (D)	Weston
Forty-seventh	Mary M. Poling, (D)	Moatsville
Forty-eighth	Ron Fragale, (D)	Clarksburg
	Danny Hamrick, (R)	Clarksburg
	Richard J. Iaquina, (D)	Clarksburg
	Tim Miley, (D)	Bridgeport
Forty-ninth	Mike Manypenny, (D)	Grafton
Fiftieth	Michael Caputo, (D)	Fairmont
	Linda Longstreth, (D)	Fairmont
	Tim Manchin, (D)	Fairmont
Fifty-first	Anthony Barill, (D)	Morgantown
	Barbara Evans Fleischauer, (D)	Morgantown
	Cindy Frich, (R)	Morgantown
	Charlene Marshall, (D)	Morgantown
	Amanda Pasdon, (R)	Morgantown
Fifty-second	Larry A. Williams, (D)	Tunnelton
Fifty-third	Randy E. Smith, (R)	Terra Alta
Fifty-fourth	Allen V. Evans, (R)	Dorcas
Fifty-fifth	Isaac Sponaugle, (D)	Franklin
Fifty-sixth	Gary G. Howell, (R)	Keyser
Fifty-seventh	Ruth Rowan, (R)	Points
Fifty-eighth	Darryl E. Cowles, (R)	Berkeley Springs
Fifty-ninth	Larry D. Kump, (R)	Falling Waters
Sixtieth	Larry W. Faircloth, (R)	Inwood
Sixty-first	Jason Barrett, (D)	Martinsburg
Sixty-second	John Overington, (R)	Martinsburg
Sixty-third	Michael Folk, (R)	Martinsburg
Sixty-fourth	Eric L. Householder, (R)	Martinsburg
Sixty-fifth	Tiffany Elizabeth Lawrence, (D)	Charles Town
Sixty-sixth	Paul Espinosa, (R)	Charles Town
Sixty-seventh	Stephen Skinner, (D)	Shepherdstown

Democrats	54
Republicans	46
Total	100

STANDING COMMITTEES OF THE HOUSE OF DELEGATES

AGRICULTURE

Delegates Walker (*Chair*), Manypenny (*Vice Chair*), Boggs, Diserio, Eldridge, Guthrie, Paxton, L. Phillips, M. Poling, Sponaugle, Swartzmiller, Wells, Williams, A. Evans (*Minority Chair*), Canterbury (*Minority Vice Chair*), Ambler, Anderson, Border, Folk, Hamilton, Ireland, Miller, Overington and Romine.

BANKING AND INSURANCE

Delegates Moore (*Chair of Banking*), Ferns (*Vice Chair of Banking*), Guthrie (*Chair of Insurance*), Hartman (*Vice Chair of Insurance*), Barrett, Hunt, Iaquina, Manchin, Morgan, Perry, R. Phillips, Reynolds, Tomblin, Azinger (*Minority Chair of Banking*), E. Nelson (*Minority Vice Chair of Banking*), Ashley (*Minority Chair of Insurance*), Walters (*Minority Vice Chair of Insurance*), Andes, Frich, McCuskey, O'Neal, Pasdon, Shott and Westfall.

CONSTITUTIONAL REVISION

Delegates Fleischauer (*Chair*), Ferro (*Vice Chair*), Caputo, Fragale, Guthrie, Hunt, Lawrence, Manchin, Marshall, Moore, Morgan, Poore, Reynolds, Skinner, Overington (*Minority Chair*), Romine (*Minority Vice Chair*), Anderson, Andes, Armstead, Ellem, Householder, Kump, Lane, J. Nelson and O'Neal.

EDUCATION

Delegates M. Poling (*Chair*), Stowers (*Vice Chair*), Barill, Barrett, Campbell, Fragale, Lawrence, Perry, Pethel, Tomblin, Walker, Williams, Young, Pasdon (*Minority Chair*), Sumner (*Minority Vice Chair*), Ambler, Butler, Cooper, Espinosa, D. Evans, Hamrick, Raines, Rowan and Westfall.

ENERGY, INDUSTRY AND LABOR, ECONOMIC DEVELOPMENT AND SMALL BUSINESS

Delegates D. Poling (*Chair of Energy, Industry and Labor*), Diserio (*Vice Chair of Energy, Industry and Labor*), Skaff (*Chair of Economic Development and Small Business*), Campbell (*Vice Chair of Economic Development and Small Business*), Barrett, Caputo, Fleischauer, Manypenny, Marshall, R. Phillips, Poore, Skinner, Walker, Young, Sobonya (*Minority Chair of Energy, Industry and Labor*), Miller (*Minority Vice Chair of Energy, Industry and Labor*), Andes (*Minority Chair of Economic Development and Small Business*), Ellington (*Minority Vice Chair of Economic Development and Small Business*), Arvon, Faircloth, Frich, J. Nelson, Raines, R. Smith and Storch.

ENROLLED BILLS

Delegates Wells (*Chair*), Barill (*Vice Chair*), Ferro and Overington.

FINANCE

Delegates White (*Chair*), Reynolds (*Vice Chair*), Craig, Guthrie, Iaquinta, Marshall, Moye, Perdue, Pethtel, L. Phillips, R. Phillips, D. Poling, Skaff, Williams, Anderson (*Minority Chair*), E. Nelson (*Minority Vice Chair*), Andes, Ashley, Canterbury, Cowles, A. Evans, Gearheart, Miller, Storch and Walters.

GOVERNMENT ORGANIZATION

Delegates Morgan (*Chair*), Stephens (*Vice Chair*), Caputo, Diserio, Eldridge, Ferns, Hartman, Jones, Lynch, Paxton, P. Smith, Staggers, Swartzmiller, Howell (*Minority Chair*), Sheppard (*Minority Vice Chair*), Arvon, Azinger, Cadle, Faircloth, Folk, Kump, J. Nelson, Romine and R. Smith.

HEALTH AND HUMAN RESOURCES

Delegates Perdue (*Chair*), Perry (*Vice Chair*), Campbell, Diserio, Eldridge, Ferns, Fleischauer, Lawrence, Marshall, Moore, Moye, Poore, Staggers, Ellington (*Minority Chair*), Householder (*Minority Vice*

Chair), Arvon, Cowles, Faircloth, Lane, Miller, Pasdon, Rowan, Sheppard and Sobonya.

JUDICIARY

Delegates Miley (*Chair*), Manchin (*Vice Chair*), Ferro, Fleischauer, Hunt, Longstreth, Manypenny, Marcum, Moore, Pino, Poore, Skinner, Sponaugle, Wells, Ellem (*Minority Chair*), Lane (*Minority Vice Chair*), Frich, Householder, Hamilton, Ireland, McCuskey, O’Neal, Overington, Shott and Sobonya.

NATURAL RESOURCES

Delegates Craig (*Chair*), Pino (*Vice Chair*), Eldridge, Guthrie, Jones, Manypenny, Moore, Moye, L. Phillips, R. Phillips, Sponaugle, Swartzmiller, Tomblin, Wells, Hamilton (*Minority Chair*), Ireland (*Minority Vice Chair*), Anderson, Butler, Canterbury, Ellem, A. Evans, Romine, Shott, R. Smith and Walters.

PENSIONS AND RETIREMENT

Pethtel (*Chair*), Jones (*Vice Chair*), Craig, Lynch, Stowers, Canterbury and Kump.

POLITICAL SUBDIVISIONS

Delegates Hunt (*Chair*), Lawrence (*Vice Chair*), Barill, Ferns, Fragale, Hartman, Jones, Marcum, Morgan, Moye, Perry, Sponaugle, Williams, Sumner (*Minority Chair*), Cowles (*Minority Vice Chair*), Cooper, Espinosa, Folk, Gearheart, Hamilton, Hamrick, Lane, McCuskey and Pasdon.

ROADS AND TRANSPORTATION

Delegates Staggers (*Chair*), L. Phillips (*Vice Chair*), Barill, Boggs, Longstreth, Lynch, Marcum, D. Poling, Skaff, P. Smith, Stephens, Stowers, Walker, Wells, Cowles (*Minority Chair*), Gearheart (*Minority Vice Chair*), Ambler, Butler, Cadle, Ellington, Espinosa, D. Evans, Hamrick, Howell and Shott.

RULES

Delegates Thompson (*Chair*), Boggs, Caputo, Marshall, Miley, Morgan, Paxton, M. Poling, Swartzmiller, White, Anderson, Armstead, Ashley, Cowles, Lane, Overington, Sobonya and Sumner.

SENIOR CITIZEN ISSUES

Delegates Williams (*Chair*), Moye (*Vice Chair*), Campbell, Ferro, Manypenny, Marshall, Moore, Perdue, Perry, Pethtel, Pino, Stephens, Young, Rowan (*Minority Chair*), O'Neal (*Minority Vice Chair*), Arvon, Ashley, Faircloth, Householder, Raines, R. Smith, Sheppard, Sobonya, Sumner and Westfall.

VETERANS' AFFAIRS AND HOMELAND SECURITY

Delegates Iaquinta (*Chair of Veterans' Affairs*), Longstreth (*Vice Chair of Veterans' Affairs*), Paxton (*Chair of Homeland Security*), Eldridge (*Vice Chair of Homeland Security*), Barill, Campbell, Ferro, Fleischauer, Jones, Pethtel, P. Smith, Staggers, Stephens, Azinger (*Minority Chair of Veterans' Affairs*), Rowan (*Minority Vice Chair of Veterans' Affairs*), Ashley (*Minority Chair of Homeland Security*), Storch (*Minority Vice Chair of Homeland Security*), Armstead, Cadle, Cooper, D. Evans, Howell, Ireland, E. Nelson and J. Nelson.

JOINT COMMITTEES

GOVERNMENT AND FINANCE

Delegates Thompson (*Cochair*), Boggs, Caputo, White, Armstead and Cowles.

GOVERNMENT OPERATIONS

Delegates Morgan (*Cochair*), Stephens (*Vice Cochair*), Boggs, E. Nelson and Rowan.

LEGISLATIVE RULE-MAKING REVIEW

Delegates Poore (*Cochair*), Marcum (*Vice Cochair*), Eldridge, Fleischauer, Frich, Overington, Sobonya and Thompson (*ex officio*).

PENSIONS AND RETIREMENT

Delegates Pethtel (*Cochair*), Jones (*Vice Cochair*), Craig, Lynch, Stowers, Canterbury and Kump.

RULES

Delegates Thompson (*Cochair*), Boggs and Armstead.

STATUTORY LEGISLATIVE COMMISSIONS

COMMISSION ON ECONOMIC DEVELOPMENT

Delegates Skaff (*Cochair*), Craig (*Vice Cochair*), Fleischauer, Miley, L. Phillips, D. Poling, M. Poling, Sponaugle, White, Hamilton, E. Nelson and Walters.

COMMISSION ON INTERSTATE COOPERATION

Delegates P. Smith (*Cochair*), R. Phillips (*Vice Cochair*), Ferro, Reynolds, Skinner, Ellington and Storch.

COMMISSION ON SPECIAL INVESTIGATIONS

Delegates Thompson (*Cochair*), Boggs, White, Ellem and Lane.

FOREST MANAGEMENT REVIEW COMMISSION

Delegates Fragale (*Cochair*), Hartman, Campbell, Williams and Romine.

**LEGISLATIVE OVERSIGHT COMMISSION ON
EDUCATION ACCOUNTABILITY**

Delegates M. Poling (*Cochair*), Stowers (*Vice Cochair*), Paxton, Perry, Williams, Sumner and Thompson (*ex officio*).

**LEGISLATIVE OVERSIGHT COMMISSION ON
HEALTH AND HUMAN RESOURCES ACCOUNTABILITY**

Delegates Perdue (*Cochair*), Perry (*Vice Cochair*), Moore, Moye, Stagers and Ellington.

**LEGISLATIVE OVERSIGHT COMMISSION ON
STATE WATER RESOURCES**

Delegates Manchin (*Cochair*), Manypenny, Perdue, Ambler and Hamilton.

**LEGISLATIVE OVERSIGHT COMMISSION ON
WORKFORCE INVESTMENT FOR ECONOMIC
DEVELOPMENT**

Delegates Skaff (*Cochair*), L. Phillips, D. Poling and Hamilton.

**LEGISLATIVE OVERSIGHT COMMITTEE ON THE
REGIONAL JAIL AND CORRECTIONAL FACILITY
AUTHORITY**

Delegates Perry (*Cochair*), Campbell (*Vice Cochair*), Boggs, Morgan and Ellem.

WEST VIRGINIA LEGISLATURE
SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE
REGULAR AND EXTENDED SESSION, 2013

WEDNESDAY, JANUARY 9, 2013

Pursuant to section eighteen, article six of the Constitution of the State of West Virginia, which prescribes that the Legislature shall convene annually on the second Wednesday in January, the Legislature assembled in the state capitol in the City of Charleston on this the ninth day of January, two thousand thirteen, for the first annual session of the eighty-first Legislature.

The Senate met in its chamber at 12 o'clock Noon.

Pending organization of the Senate by the election of a President, under the provisions of section twenty-four, article six of the Constitution, the Senate was called to order by the Honorable H. Truman Chafin, a senator from the sixth senatorial district, being the oldest member in point of continuous service.

Prayer was offered by the Reverend Jeffrey S. Allen, Executive Director, West Virginia Council of Churches, Charleston, West Virginia.

The following communication was reported by the Clerk:

THE SENATE OF WEST VIRGINIA
CHARLESTON

December 10, 2012

The Honorable Jeffrey V. Kessler
President, West Virginia Senate
State Capitol
Charleston, West Virginia

Dear President Kessler:

I hereby resign, effective December 10, 2012, from the WV State Senate in order to prepare for my duties as Ohio County Commissioner.

At this time I would like to thank you, President Kessler, and my fellow Senators with whom I have worked with for the past two years in the WV Senate and four years before that in the WV House of Delegates, and I wish to express my sincere appreciation to all of you and wish you the very best in the upcoming 2013 session.

I will forever hold dearly all of the wonderful relationships I have made during my tenure as a Senator and Delegate in the West Virginia Legislature; and I thank both bodies, their staffs, the Governor's office, the Board of Public Works and all of their staff for affording me the resources to represent my constituents in West Virginia's First Senatorial District.

I look forward to working with all of you in my new capacity as Ohio County Commissioner.

In closing, I wish all of you a Merry Christmas and a prosperous New Year.

Sincerely,

Orphy Klempa

Executive Communications

The following communication from His Excellency, the Governor, was reported by the Clerk:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

December 26, 2012

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Secretary Tennant:

Pursuant to W. Va. Code §3-10-5, I have this day appointed Robert J. Fitzsimmons, 1609 Warwood Avenue, Wheeling, Ohio County, West Virginia 26003, as a Senator representing the First Senatorial District, to fill the vacancy created by the resignation of the Honorable Orphy Klempa from this day through the remainder of the unexpired term of said office.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Jeffrey V. Kessler

The several oaths of office prescribed by the Constitution were administered by the Honorable Robin Jean Davis, Justice of the Supreme Court of Appeals of West Virginia to Robert J. Fitzsimmons, of the County of Ohio, on January 7, 2013.

The Honorable Natalie E. Tennant, Secretary of State, appeared at the bar of the Senate and presented the official returns of the election held on the sixth day of November, two thousand twelve, for members of the Senate for the State of West Virginia.

**CANDIDATES FOR STATE SENATOR
FOR THE STATE OF WEST VIRGINIA
APPEARING TO HAVE BEEN ELECTED
NOVEMBER 6, 2012**

First Senatorial District: Jack Yost, of the County of Brooke;

Second Senatorial District: Jeffrey V. Kessler, of the County of Marshall;

Third Senatorial District: Donna J. Boley, of the County of Pleasants;

Fourth Senatorial District: Mitch Carmichael, of the County of Jackson;

Fifth Senatorial District: Robert H. Plymale, of the County of Wayne;

Sixth Senatorial District: Bill Cole, of the County of Mercer;

Seventh Senatorial District: Art Kirkendoll, of the County of Logan;

Eighth Senatorial District: Chris Walters, of the County of Putnam;

Ninth Senatorial District: Daniel Hall, of the County of Wyoming;

Tenth Senatorial District: William R. Laird IV, of the County of Fayette;

Eleventh Senatorial District: Clark Barnes, of the County of Randolph;

Twelfth Senatorial District: Doug Facemire, of the County of Braxton;

Thirteenth Senatorial District: Roman W. Prezioso, Jr., of the County of Marion;

Fourteenth Senatorial District: Bob Williams, of the County of Taylor;

Fifteenth Senatorial District: Craig P. Blair, of the County of Berkeley;

Sixteenth Senatorial District: Herb Snyder, of the County of Jefferson;

Seventeenth Senatorial District: Corey Palumbo, of the County of Kanawha.

From the foregoing official returns of the election of members of the Senate, it appears that the persons therein named were elected to the Senate at the election held on the Tuesday next after the first Monday in November, two thousand twelve.

Whereupon,

On the call of the roll of the Senate, the following members and members-elect answered to their names:

Blair, Boley, Carmichael, Chafin, Cole, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Helmick, Jenkins, Kessler, Kirkendoll, Laird, McCabe, Miller, Minard, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost.

Thirty-one present and prospective members having answered to their names, the Chair declared the presence of a quorum.

The following members-elect came forward to the Clerk's desk, taking and subscribing to the several oaths of office prescribed by

the Constitution, which oaths were administered by the Honorable Brent D. Benjamin, Chief Justice of the Supreme Court of Appeals of West Virginia: Jack Yost, of the County of Brooke; Jeffrey V. Kessler, of the County of Marshall; Donna J. Boley, of the County of Pleasants; Mitch Carmichael, of the County of Jackson; Robert H. Plymale, of the County of Wayne; William Cole, of the County of Mercer; Art Kirkendoll, of the County of Logan; Chris Walters, of the County of Putnam; Daniel Hall, of the County of Wyoming; William R. Laird IV, of the County of Fayette; Douglas E. Facemire, of the County of Braxton; Roman W. Prezioso, Jr., of the County of Marion; Bob Williams, of the County of Taylor; Craig Blair, of the County of Berkeley; Herb Snyder, of the County of Jefferson; and Corey Palumbo, of the County of Kanawha.

The Senate then proceeded to its biennial organization.

The first order of business in the organization of the Senate being the adoption of the rules of the Senate,

Senator Unger offered the following resolution:

Senate Resolution No. 1—Adopting rules of the Senate.

Resolved by the Senate:

That the rules of the Senate be adopted as follows and shall govern the proceedings of the Senate during the eighty-first Legislature, subject to amendment as provided in the rules:

RULES OF THE SENATE

QUORUM

1. A majority of the members elected to the Senate shall constitute a quorum and a quorum shall be necessary to proceed to business, but two members may adjourn, and three members may order a call of the Senate, send for absentees and make any

order for their censure or discharge. On a call of the Senate, the doors shall not be closed against any member until his or her name shall have been twice called.

2. In case a less number than a quorum of the Senate shall convene, the members present are hereby authorized to send the Sergeant at Arms, or any other person or persons by them authorized, for any and all absent members as the majority of such members shall agree, at the expense of such absent members, respectively, unless such excuse for nonattendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund of the Senate. This rule shall apply, as well to the first meeting of the Senate at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

OFFICERS

3. The Senate, at the commencement of each new Legislature, shall elect as its officers a President, Clerk, Sergeant at Arms and Doorkeeper. If at any time the President is obligated to act as Governor pursuant to Article VII, Section 16 of the West Virginia Constitution, the Senate shall immediately elect one of its remaining members to serve as Acting President. The Acting President shall act and serve at all times when the duly elected President is acting as Governor and shall perform all of the duties of the office of Senate President without limitation, including any duties imposed by the West Virginia Constitution, any statute, the Senate Rules and any adopted Joint Rules of the Senate and House of Delegates, and he or she shall receive the compensation and expenses of the President of the Senate as provided in article two-a, chapter four of the Code of West Virginia. The Acting President shall not be in the line of succession to act as Governor under the provisions of Article VII, Section 16 of the West Virginia Constitution. The vote of a majority of all the members elected to the Senate shall be necessary for the election of these officers and the vote shall be by voice vote and be entered upon the Journal.

4. The President of the Senate or Acting President shall appoint a President *pro Tempore*, who, during the absence of the President or Acting President, if any, shall preside and perform all the duties of the President.

5. The President may call a member to the chair who shall perform the duties of the chair until the President returns to the chair, but no member by virtue of such appointment shall preside for a longer period than three consecutive legislative days.

6. The Clerk of the Senate shall not allow any records or papers to be taken from the table or out of his or her custody except by a chairperson of a committee to which they may have been referred and then only upon a proper receipt therefor and except as required by these rules or by the Joint Rules of the Senate and House of Delegates.

ORDER OF BUSINESS AND PROCEDURE

7. The order of business of the Senate shall be:
1. To read, correct and approve the Journal.
 2. Introduction of guests.
 3. To dispose of communications from the House of Delegates and the Executive.
 4. To receive reports from standing committees.
 5. To receive reports from select committees.
 6. To receive bills, resolutions, motions and petitions.
 7. To act upon unfinished business of the preceding day and resolutions lying over from the previous day, and no resolution shall lose its place on the calendar by not being acted upon on the day following that on which it was offered.
 8. Senate and House bills on third reading.
 9. Senate and House bills on second reading.
 10. Senate and House bills on first reading.
 11. Introduction of guests.
 12. Remarks by members of the Senate.
 13. Miscellaneous business.

8. Every member desiring to speak shall stand in his or her own place, address the President and, upon being recognized, shall proceed, confining oneself to the question under debate, avoiding all indecorous or disrespectful language. The President may recognize the member by name; but no member in debate or remarks shall designate another by name.

9. If the question in debate contains several points, any member may have the same divided. On motion to strike out and insert, it shall not be in order to move for a division of the question.

10. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition and shall not prevent a subsequent motion to simply strike out. The rejection of a motion simply to strike out shall not prevent a subsequent motion to strike out and insert.

11. No question shall be debated until it has been propounded by the President. The President, after calling a member to assume the chair, the mover of the question, the chairperson of the committee that reported the matter or the sponsor of the bill or resolution, in that order of preference, shall have the right to explain his or her views in preference to any other member.

12. No member shall speak more than twice upon the same question without leave of the Senate or more than once until every member choosing to speak shall have spoken, except that the mover of the question shall have the right to close the debate thereon.

13. While the President is putting the question, any member who has not spoken before to the matter may speak to the question before the negative is put.

BILLS AND RESOLUTIONS

14. No Senate bill, other than a Senate supplementary appropriation bill, and no Senate joint resolution shall be introduced in the Senate after the forty-first day of a regular session unless

permission to introduce the bill or the joint resolution be given by a Senate resolution, setting out the title to the bill or the joint resolution and adopted by a two-thirds vote of the Senate members present. When permission is requested to introduce a bill or joint resolution under the provisions of this rule, duplicate copies of the bill or the joint resolution shall accompany the resolution when introduced and all such bills or joint resolutions shall be filed electronically with the Clerk's office.

A standing committee of the Senate may originate a bill or resolution and report the same after the forty-first day.

The forty-first day of the regular session held in the year one thousand nine hundred seventy-seven and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years.

15. Each bill or resolution for introduction shall be presented in duplicate and electronically, bearing the name of the member or members by whom it is to be introduced, and shall be filed with the Clerk not later than twelve o'clock meridian on the legislative day next preceding its introduction: *Provided*, That the pre-filing requirement shall not apply to the first day of any session of the Legislature. A bill may be introduced by request. All bills introduced by request shall bear the words "by request", following the designation of the name or names of the bill sponsor or sponsors.

The Clerk shall designate one copy of a bill or resolution the official copy and it shall constitute the official bill or resolution for use of committees and for the permanent files of the Senate. One copy shall be used for printing.

Each bill or resolution shall be numbered, edited and corrected as to form by the Clerk and reported by the Clerk to the Senate on the next legislative day, under the sixth order of business. In case of urgency, on motion for leave agreed to by a majority of the members present, a member may introduce a bill or resolution from the floor.

15a. Prior to final consideration, by any committee in the Senate, of any bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State or in any manner changes or modifies any existing tax or rate of taxation, such bill shall have attached thereto a fiscal note, if available, which "Fiscal Note" shall conform to the requirements as to form and content prescribed by the "Fiscal Note Manual", prepared and adopted by the Committee on Rules to govern preparation of fiscal notes to bills introduced in the Senate.

It shall be the responsibility of the legislator introducing a bill to obtain such note when required. Such note shall be attached to the bill when filed for introduction, if at all possible, and shall accompany any bill requiring such note when the same is reported from committee.

The jackets of all measures with fiscal notes attached or requiring such notes shall have the words "Fiscal Note" or the initials "FN" clearly stamped or endorsed thereon.

16. All concurrent and simple resolutions when introduced shall lie on the table at least one day, and then be referred to the appropriate committee unless the Senate directs otherwise by a vote of a majority of the members present.

It is hereby declared to be the policy of the Senate that concurrent resolutions be limited to the general purposes of expressing the sentiments of the Legislature, for authorizing expenditures incidental to the sessions and business of the Legislature, for agreeing upon adjournments beyond the constitutional limitation, for creating special joint committees, for raising a joint assembly and other inferior and incidental purposes of legislation, and such other purposes as the Legislature may deem proper. The adoption of such resolutions must be concurred in by both houses.

Concurrent resolutions shall be restricted to expressions of sentiments and actions having a bearing upon matters incident to legislative business and the functioning of the legislative process insofar as possible.

Concurrent resolutions shall not embrace congratulatory expressions to individuals, organizations, associations or other entities having no relation to the Legislature or public affairs generally, athletic events, scholastic contests, or any other matter not related to the scope and areas of legislative business: *Provided*, That this rule shall not bar the introduction of resolutions memorializing deceased members of the Legislature and public officials or commending or congratulating public officials on actions in connection with governmental affairs.

Before any concurrent resolution is introduced, it shall be submitted to the Clerk for determination of compliance with this rule. If the Clerk determines that it is in compliance with this rule, the concurrent resolution shall be introduced. If the Clerk determines that it is not in compliance with this rule, or if the Clerk is in doubt about its compliance, the Clerk shall submit it to the Committee on Rules for this determination, and then the concurrent resolution shall be introduced only if the Committee determines that it is in compliance with this rule.

17. Unless otherwise directed by the Committee on Rules all bills, resolutions or business originating in the Senate shall be considered at the appropriate order of business in the order in which they are introduced, and all bills and resolutions received from the House of Delegates shall be introduced in the order in which they are received and shall be considered at the appropriate order of business in their numerical order.

18. All bills and resolutions passed or adopted by and reported from the House of Delegates shall be read by their titles and referred to the appropriate committee unless the Senate directs otherwise by a vote of a majority of the members present. They shall then be proceeded with in the same manner as Senate bills or resolutions. All bills and joint resolutions introduced shall be read by their titles and referred to the appropriate committee without printing and shall be treated in committee as resolutions of inquiry. If the committee reports a bill or resolution different, either by amendment or substitution, from the one introduced, it shall be

received and treated by the Senate as the original bill or resolution. All Senate bills and joint resolutions reported by a committee shall be printed, with the proposed committee amendments printed on the foot thereof, and shall be then read a first time, unless in any of the aforesaid cases the Senate directs otherwise by a vote of a majority of the members present.

18a. Any bill, resolution or business which does not follow the procedures of Rule Nos. 17 and 18 shall remain in the possession of the Senate Committee on Rules.

19. All bills shall be read on three different days, unless in case of urgency, by a vote of four fifths of the members present, taken by yeas and nays, on each bill, this rule be dispensed with.

20. All engrossed bills shall be fully and distinctly read when put upon their passage.

21. On each reading of the bill the Clerk shall state whether it is the first, second or third reading of such bill, but no bill shall be put upon its second reading until the same shall have been printed and delivered to the members of the Senate at least one day previous to such reading, unless the Senate directs otherwise by a vote of a majority of the members present.

21a. Upon motion of any member, on any legislative day or the day preceding, the Senate may, by a vote of two thirds of those present, establish a period of time known as "Bill Reading Docket".

Such motion shall state each bill to be read, the time and order for such bill reading docket to commence and to conclude, and may provide for the adjournment or recess of the Senate for not more than one legislative day, during which reading of the docket no motion, except a motion to postpone the reading of the bills, by two-thirds vote of those elected, shall be heard. A quorum shall not be required during the reading of the docket. Any and all members requesting that a bill be read shall be present at all times in the Chamber during its reading.

All bills read on the bill reading docket shall be considered as having been read fully and distinctly.

22. On the first reading of a bill, a motion to reject the bill shall be in order.

23. If a committee shall have reported adversely to a bill, the President immediately after the report of said committee is read shall put the question, "Shall the bill be rejected?" which question shall have precedence over all motions, except a motion to adjourn.

24. A bill shall be amended only on second reading. When a bill is being read for amendment, it shall be read section by section on the demand of any two members. When the amendments which may be moved shall be disposed of, the question shall be taken on ordering a Senate bill to be engrossed and ordered to third reading and on ordering a House bill to third reading. If a Senate bill should be ordered to its engrossment and third reading and amendments thereto have been made, the type from which the bill was originally printed shall be changed to conform to the amendments. The bill shall then be reprinted and shall be the engrossed bill. If no amendments are made, the bill as originally printed may be ordered to its third reading and shall become the engrossed bill. All Senate bills so ordered shall be jacketed, endorsed with their number, title, by whom introduced, and if the bill is finally passed, the date of its passage and the signature of the Clerk. If a Senate bill should be passed by the House and returned to the Senate without amendments, or if amended, and the amendments should be agreed to, the bill shall be enrolled by the Clerk and delivered to the Joint Committee on Enrolled Bills. In the case of a House bill on second reading if the same be amended, the amendment or amendments shall be noted in full in typewriting on slips of paper and attached to the bill at the proper place by the Clerk before the bill is returned to the House, and all amendments shall appear in the Senate Journal.

25. When a bill or joint resolution is put upon its passage or adoption, respectively, the President shall propound the question, "Shall the bill pass?" or "Shall the resolution be adopted?" On the

passage or adoption, respectively, of every bill or joint resolution, the vote shall be taken by yeas and nays. When the bill or joint resolution is on second reading and the question is upon striking out, the President shall propound the question, "Shall these words be stricken out?"

26. When a Senate bill or Senate joint resolution passed by the Senate shall be amended by the House of Delegates, the question on agreeing to the bill or joint resolution, as amended, shall be again voted on by yeas and nays in the Senate. In all such cases the affirmative vote of a majority of all the members elected to the Senate shall be necessary.

COMMITTEES

27. At the commencement of each Legislature, standing committees shall be appointed, each committee to consist of the number of members indicated in the parentheses following the naming of the committee. The following committees shall be named:

1. On Agriculture and Rural Development (11).
2. On Banking and Insurance (13).
3. On Confirmations (9).
4. On Economic Development (14).
5. On Education (14).
6. On Energy, Industry and Mining (13).
7. On Enrolled Bills (5).
8. On Finance (17).
9. On Government Organization (14).
10. On Health and Human Resources (13).
11. On Interstate Cooperation (7); (the presiding officer of the Senate is to be ex officio co-chairperson).
12. On the Judiciary (17).
13. On Labor (11).
14. On Military (9).
15. On Natural Resources (13).
16. On Pensions (7).
17. On Rules (11); (the presiding officer of the Senate is to be ex officio chairperson).
18. On Transportation and Infrastructure (9).

28. All standing committees shall be appointed by the President. The President shall designate the chairperson of each standing committee and may also designate a vice chairperson of any standing committee when the President may deem it advisable.

The chairperson of each standing committee of the Senate shall cause a record to be kept of every meeting of such committee, wherein shall be entered:

(a) The time and place of each committee meeting and every hearing had before the committee.

(b) The attendance of members of the committee at each meeting thereof.

(c) The name of any person appearing before the committee and the interest represented by him or her.

(d) The vote of each member of the committee when a yea and nay vote is taken.

Any member of such standing committee may cause a notation to be made upon the record aforesaid of the reason for his or her absence at any former meeting of the committee; and, in the absence of any such explanatory note, the presumption shall be that his or her absence was without reasonable cause.

The chairperson of each standing committee shall, upon request, make the record of any yea and nay vote taken, in open or executive session, available for public inspection no later than the next legislative day after the close of the standing committee meeting at which such yea and nay vote was taken.

The several standing committees shall have leave to report by bill, resolution, or otherwise, any proposed legislation originating therein, as well as to report back a committee substitute for a Senate bill or resolution, or otherwise. A committee substitute, with the consent of the original sponsor, shall carry the name of the original sponsor.

Reports of committees shall be advisory only. All committees shall submit their reports to the Senate in writing and the same shall be printed in the Journal.

On the adjournment of each session of the Legislature, the chairperson of the respective committees shall deliver to the Clerk of the Senate the record book herein provided for, and it shall be the duty of such Clerk to preserve the same among the archives of his or her office.

29. The President shall refer bills and resolutions introduced and such other matters as the President shall deem appropriate to a standing committee.

30. Select committees shall consist of not less than three nor more than five members, unless the Senate directs otherwise by a vote of a majority of the members present.

31. The Committee on Rules shall examine the oaths taken by each member and the evidence of their election and report to the Senate.

The Committee on Rules shall report in all cases of privileges and contested elections, the principles and reasons on which their resolutions are founded.

The Committee on Rules shall see that all papers belonging to the Clerk's Office are properly labeled and filed and that the books belonging to the office are chronologically arranged.

32. All meetings of Senate standing committees, other than executive sessions, shall be open to the public, and an executive session may be held only upon a majority vote of the members present.

33. When the Senate shall resolve itself into the Committee of the Whole, the President shall leave the chair and appoint a chairperson to preside in the committee.

The Committee of the Whole shall consider and report on such subjects as may be committed to it by the Senate. The rules of the Senate shall be observed in the Committee of the Whole, so far as they are applicable, except the rules limiting the number of times speaking, concerning the previous question and taking the yeas and nays. The proceedings in the Committee of the Whole shall not be recorded on the Journal of the Senate, except so far as reported to the Senate by the chairperson of the committee.

34. Any bill, resolution or business may, by a vote of the majority of the members present, be withdrawn from the committee to which it had been referred or be taken from the table, and placed upon the calendar of the Senate in such order of business as the Senate may direct: *Provided*, That those bills, resolutions or business referred to the Senate Committee on Rules under authority of Rule No. 17 may by a vote of two thirds of the members present be withdrawn from the Senate Committee on Rules.

DECORUM AND DEBATE

35. If a member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the Senate, for words spoken in debate if any other member has spoken or other business has intervened after the words spoken and before the exception to them was taken.

36. While the President is reporting or putting a question, no one shall entertain private discourse or walk into, out of or across the Senate Chamber.

37. No member or other person except the Clerk and the Clerk's assistants shall visit or remain by the Clerk's table while the yeas and nays are being taken.

38. During any debate, any Senator, though he or she has spoken to the matter, may arise and speak to the orders of the Senate, if they be transgressed, in case the President does not.

MOTIONS

39. When a question is pending, no motion shall be received except:

1. To adjourn.
2. To lay on the table.
3. For the previous question.
4. To postpone the question to a different day.
5. To commit.
6. To amend.
7. To postpone indefinitely.

These several motions shall have precedence in order in which they are arranged.

40. The following motions shall be decided without debate, and shall not be amended:

1. To adjourn.
2. To fix the time to which the Senate shall adjourn.
3. To lay on the table.
4. For the previous question.
5. To suspend the constitutional rule requiring bills to be read on three several days.
6. To recess.

41. There shall be a motion for the previous question, which being ordered by a majority of the members present, shall have the effect to cut off all debate and bring the Senate to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions, or may be made to embrace all authorized motions or amendments and include the bill to its

engrossment and third reading and then, on renewal and second of said motion, to its passage or rejection. It shall be in order, pending a motion for, or after the previous question shall have been ordered on its passage, for the President to entertain and submit a motion to commit with or without instructions to a standing or select committee. A motion to lay upon the table pending a motion for the previous question shall be in order only when the previous question has been moved on the second or third reading of a bill.

A call of the Senate shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the President that a quorum is not present.

All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

RECONSIDERATION OF VOTE

42. After any question has been decided in the affirmative or in the negative, it shall be in order for any member who voted with the prevailing side to move for a reconsideration of the vote thereon at any time on the same day or the next succeeding day of actual session. When the yeas and nays have not been recorded in the Journal, any member, irrespective of whether he or she voted with the prevailing side or not, may make the motion to reconsider. If the Senate refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order. No vote shall be reconsidered upon motions to adjourn, to lay on the table, to take from the table or for the previous question.

The motion to reconsider may be put and acted upon when made. If seconded, it shall take precedence of all other questions, except the consideration of a conference report and the motion to adjourn, and unless by motion postponed until some future date be acted upon at once. When a motion to reconsider is made and not acted upon at the time, it shall be placed upon the calendar, under

unfinished business, and be acted upon the next succeeding day of actual session. A motion to reconsider shall not be withdrawn without leave of the Senate.

No bill, resolution, message, report, amendment or motion, upon which a motion is pending to reconsider the vote thereon, shall be taken out of the possession of the Senate until final disposition of the motion to reconsider. No motion for reconsideration of the vote on any question, which has gone out of the possession of the Senate, shall be in order unless subsequently recalled by vote of the Senate and in possession of the Clerk.

When a motion to reconsider has been carried, its effect shall be to place before the Senate the original question in the exact position it occupied before it was voted upon.

VOTING

43. Every member within the Senate Chamber, when a question is put, shall vote unless he or she is immediately and particularly interested therein, meaning an interest that affects the member directly and not as one of a class, or the Senate excuses him or her. All motions to excuse a member from voting must be made by the member requesting to be excused before the Senate divides, or before the call of the yeas and nays is commenced, and it shall be decided without debate, except that the member making the motion to be excused from voting may briefly state the reason why it ought to be adopted.

44. The yeas and nays shall be taken on motions to dispense with the constitutional rule requiring a bill to be fully and distinctly read on three different days and on fixing the effective date of an act of the Legislature; on agreeing to a joint resolution proposing an amendment to the Constitution of the State; on the passage of a bill notwithstanding the objections of the Governor; on the passage of a supplementary appropriation bill; on the passage of a Senate bill or Senate joint resolution amended by

the House; on all questions where a specific vote is required by the Constitution, the Joint Rules of the Senate and House of Delegates, or by these rules; on the passage of a bill; and on quorum calls: *Provided*, That the yeas and nays shall be taken on demand of any member on any question unless another member objects. Upon any such objection the President shall inquire of the membership if the demand for the yeas and nays is sustained. If the demand is so sustained by one tenth of the members present, the yeas and nays shall be taken, and, if the demand is not sustained by one tenth of the members present, then the yeas and nays shall not be taken.

The result of all votes taken by yeas and nays shall be entered on the Journal. When the yeas and nays are inserted on the Journal, the result of the vote as to total yeas, nays and absentees shall be recorded, with the names of the Senators voting yea or nay, and those absent.

When the yeas and nays are ordered, or a call of the Senate is directed, the names of the members shall be called in alphabetical order; excepting, however, the name of the President, which shall be called last.

After completion of a roll call vote, no member shall speak to explain his or her vote. A member's vote explanation shall not be printed in the daily Journal. A member may have his or her vote explanation printed in the bound Journal provided the member obtains the floor and makes this request immediately following announcement of the results of the roll call vote and disposition of the matter and delivers his or her written vote explanation to the Clerk within three legislative days during the session or, if there are less than three legislative days remaining in the session, within seventy-two hours after adjournment *sine die*. The Clerk shall note on the daily Journal for the day of the roll call vote that the member has reserved the privilege of having his or her vote explanation printed later in the bound Journal.

45. On all roll calls of the yeas and nays when the voting machine is not used, and before the result is announced, the Clerk shall at the request of any member read either the names of those who voted yea or of those who voted nay, whichever is the smaller number, and the names of those absent and not voting, if any, and shall announce that all others voted either yea or nay, whichever is the larger number. In the event of a tie vote, the Clerk shall upon such request read the names of those who voted yea and the names of those absent and not voting, if any, and shall announce that all others voted nay. At that time any member shall have the right to correct any mistake committed in enrolling his or her name. The vote then shall be announced and the count entered on the Journal.

45a. The voting machine may be used in taking the yeas and nays on any question. It may also be used for quorum calls and for determining the result when a division is demanded. When the machine is used for calling the attendance roll, a member shall indicate "present" by use of the green "yea" button.

When a vote is to be taken on the voting machine, the President shall announce the question to be voted upon and direct the Clerk to prepare the machine. When the machine is ready for voting, the President shall state, "The members will now vote." After reasonable time has been given for all members to vote, the President shall ask, "Have all members voted?" After a brief pause, the President shall direct the Clerk to close the machine and ascertain the result. The Clerk shall hand the record of the vote to the President who shall promptly announce the result. Voting shall be continuous and shall be permitted until the result thereof is announced by the President: *Provided*, That any vote cast after the machine has been closed shall be stated by the President as having been cast and such shall be entered on the Journal: *Provided, however*, That no vote may be cast after the vote has been announced.

While the members are voting and before the machine is closed, the wall display boards shall continuously display the vote of each member and the total pending vote.

Under no circumstance shall a member or nonmember vote on behalf of another member.

All other rules governing voting and the taking of the yeas and nays, insofar as applicable, shall apply to taking votes by means of the voting machine.

MESSAGES

46. The Clerk of the Senate may interchange messages with the Clerk of the House of Delegates during sessions of the Senate and between the hours of adjournment and that of meeting on the following legislative day.

47. Messages may be received in any stage of business except when a question is being put by the President, while the yeas and nays are being called by the Clerk or while the votes are being counted.

48. When a bill or resolution of the House of Delegates is passed or rejected by the Senate, the fact of its passage or rejection, with the bill or resolution shall be communicated to the House of Delegates.

JOURNAL

49. The Journal of the Senate shall be daily drawn up by the Clerk and shall be read, corrected and approved the succeeding day. It shall be printed under the supervision of the Clerk and delivered to the members without delay. After the printed Journal has been approved and fully marked for corrections, the type from which it was printed shall be changed in accordance therewith, and from the type so corrected shall be printed the number of copies required by law for the regular bound volumes of the Journal. In addition thereto ten copies shall be printed on 6 x 9 heavy weight bond paper with a certificate at the end thereof signed by the President and Clerk of the Senate certifying that the same is the Official Journal of the Senate. They shall be bound in flexible binding and bear the imprint on the back, "Official Journal of the Senate of West Virginia", with

designation of regular or extraordinary session and the year. After being signed by the proper officers, two of these copies shall be retained in the office of the Clerk, one copy shall be lodged in the office of the Governor, one with the Secretary of State, one with the Division of Archives and History and one with the Clerk of the House of Delegates.

ABSENCE OF MEMBERS

50. No member shall absent himself or herself from the service of the Senate during its sittings without leave of the Senate, except in case of his or her sickness or other unavoidable cause which may prevent his or her attendance.

POWER OVER MEMBERS

51. No Senator shall be taken into custody by the Sergeant at Arms on any question of complaint of breach of privilege until the matter is examined by the Committee on Rules and reported to the Senate, unless by order of the President of the Senate.

52. The Senate may punish its own members for disorderly behavior, and with the concurrence of two thirds of the members elected thereto, expel a member, but not twice for the same offense.

POWER OVER OTHERS

53. The Senate may punish by imprisonment, any person not a member, for disrespectful behavior in its presence; for obstructing any of its officers in the discharge of their duties, or for any assault, threat or abuse of any member for words spoken in debate; but such imprisonment shall not extend beyond the termination of the session.

GUESTS AND PRIVILEGE OF THE FLOOR

54. No person except members of the House of Delegates, former members of the West Virginia Legislature who are not lobbyists, duly accredited representatives of the press, radio and television and legislative officers and employees engaged

in the proper discharge of their duties shall be admitted within the Senate Chamber while the Senate is in session. The rear or east balcony of the Senate Chamber shall be reserved for guests of the members of the Senate, and admission thereto shall be by pass signed by the President and the member seeking admission of the guest.

LOBBYING

55. No person, not a member of the Senate, shall, while within the Chamber when the Senate is in session, seek in any manner whatsoever to influence the vote or opinion of any Senator on any subject of legislative consideration, under penalty of disbarment from the Chamber for the remainder of the legislative session. No employee of the Senate shall, at any time, engage in such activity, under penalty of immediate dismissal by the Committee on Rules.

56. Repealed by S. R. 16, February 1, 1978.

NOMINATIONS AND CONFIRMATIONS

57. Unless the Senate directs otherwise by a vote of a majority of the members present, when nominations shall be made in writing by the Governor to the Senate, a future day shall be assigned for taking them into consideration and the nominations shall be referred to the Committee on Confirmations.

When considering and acting on the nominations of the Governor, the Senate shall be in open session. The voting on each nomination shall be by yeas and nays. The result of Senate action upon any nomination by the Governor shall be forthwith certified to the Governor in a formal communication signed by the President and attested by the Clerk.

57a. The phrase "next meeting of the Senate" contained in article seven, section nine of the Constitution of West Virginia means any time the full Senate is convened and includes, but is not limited to, any regular session, any extraordinary session called during any recess or

adjournment of the Legislature, during any impeachment proceeding or any time the Senate is convened pursuant to section ten-a, article one, chapter four of the code of West Virginia.

CONSTITUTIONAL AMENDMENT

58. When an amendment to be proposed to the Constitution of West Virginia is under consideration, the vote of a majority of the members present shall be sufficient to decide an amendment thereto or any collateral or incidental questions. A proposed amendment to the Constitution of West Virginia, to be adopted, must be agreed to by a two-thirds vote of the members elected to the Senate.

ADJOURNMENT

59. When the Senate adjourns each day, it shall stand adjourned to 2 o'clock P.M. the next day, unless the Senate directs otherwise by a vote of a majority of the members present, and every member shall keep his or her seat until the President leaves the chair.

AMENDING RULES

60. All propositions to amend these standing rules or any order of the Senate shall be by resolution and be at once referred, without debate, to the Committee on Rules and shall be reported therefrom within seven legislative days. Any such resolution may be adopted by a majority vote.

SUSPENSION OF RULES OR ORDER

61. No standing rule or order of the Senate shall be suspended except by a vote of two thirds of all the members of the Senate present.

PARLIAMENTARY PROCEDURE

62. In all cases not provided for by the Rules of the Senate or any adopted Joint Rules of the Senate and House of Delegates, the

Senate shall be governed by *Jefferson's Manual* and *Rules of the House of Representatives of the United States Congress* and practices thereunder.

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

On motion of Senator Unger, the Senate recessed for five minutes.

Upon expiration of the recess, the Senate reconvened.

At the request of Senator Unger, and by unanimous consent, the provisions of rule number fifty-four of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to permit the Senators to have members of their families as guests during today's session.

The next order of business being the election of a President,

For that office, Senator Prezioso nominated the Honorable Jeffrey V. Kessler, of the County of Marshall; seconded by Senator Palumbo.

Senator Nohe then nominated the Honorable Mike Hall, of the County of Putnam; seconded by Senator Carmichael.

There being no further nominations, the Senate proceeded to the vote for the election of a President.

On the call of the roll, those voting for Senator Kessler were: Chafin, Facemire, Fitzsimmons, Green, D. Hall, Helmick, Jenkins, Kessler, Kirkendoll, Laird, McCabe, Miller, Minard, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Wells, Williams and Yost—23.

Those voting for Senator M. Hall were: Blair, Boley, Carmichael, Cole, M. Hall, Nohe, Sypolt and Walters—8.

Absent: Barnes, Beach and Edgell—3.

The Chair announced the vote and declared that Senator Kessler, having received a majority of the votes of all the members elected to the Senate had been reelected President of the Senate.

Whereupon, the Chair appointed Senators Unger, Stollings and M. Hall a committee to escort the President-elect to the Chair.

A standing ovation was then accorded the President-elect, as he proceeded to the rostrum accompanied by the foregoing select committee.

Whereupon, Senator Kessler came forward to the Clerk's desk, taking and subscribing to the several oaths of office prescribed by the Constitution, which oaths were administered by the Honorable Brent D. Benjamin, Chief Justice of the Supreme Court of Appeals of West Virginia.

Senator Kessler (Mr. President) assumed the Chair and addressed the Senate as follows:

SENATOR KESSLER: Thank you very much. It is both an honor and a privilege to stand on this podium today and serve as the elected leader of this body. I am humbled and honored to serve this body for the next two years in the Legislature. I also want to thank my brother Chris, who came down today to watch the ceremony and swearing in, as well as my oldest son Jacob, who I earlier introduced.

The first time I was sworn in, similar to the Senator from Ohio, I was appointed to the position. I was sworn in on November 17, 1997. That was an important day for me—my first day of being sworn into office also happened to be Jacob's seventh birthday. So every time

he has a birthday I'm reminded that, not only is it another year of his birth, it signals another year that I have been in the Senate.

It's now been sixteen years I've had the privilege of serving in this body and as I look back over those last sixteen years I see how many wonderful things we have done as a Senate. We had a medical insurance crisis back in 2003. We had a workers' compensation reform system that was hemorrhaging, as the Junior Senator from the Seventeenth District mentioned.

We have faced significant problems, but over the last couple of years, since I've had occasion to stand at this podium, we've also taken on some enormous challenges for this state. OPEB, as you know, is something that has been a hemorrhage of ours and an albatross around the neck of our body and this entire state and the future of the state. We've got that under control with the hard work done in this body.

We also took on Marcellus Shale with the work that was done here in this body to make sure that we were the first state in the Appalachian region that had a template in place for legislative oversight of that industry which is so prevalent and has such great potential for opportunities for this state. Also, the sales tax elimination that we did with our Governor.

We have done remarkable things over the last few years, but I can tell you that the best is yet to come. We have enormous challenges, as the Senator from Marion alluded to, with the budget. But with challenges come opportunities. I can tell you, looking forward—as I look out through this body knowing many of you and the work ethic that you have and the vision that we share together—I'm convinced that the best days of this Senate and the best days of this state are in front of us. You know, there's the old adage that "leaders lead" and every single time that I can recall that there's been a problem, a crisis in this state, it has been the Senate, truthfully, that has stepped to the forefront, stepped to the plate, looked for the solutions, put its nose to the grindstone and got the work done for the betterment of this state across party

lines. We don't have Democrat problems or Republican problems, we have West Virginia problems. I intend to solve them and work with you to solve them in that fashion in the future.

I can pledge to you that my door is always open. I will strive for perfection, but I hope you recognize that's not possible either in my own performance or in any legislation that we may put forth out of this body; however, you can always strive for that.

I can tell you that as we face this upcoming session with balancing the budget, prison overcrowding and education reform which the Senator from Wayne County will be leading us on, that I am comfortable and I am confident that we will not only face those challenges, we will find solutions that will change this state positively so that future generations, quite frankly, will remember what we did, because it will change this state for the better and forever.

Working together, I am confident that can happen. I am confident that working in unity together across the aisle, working together with all of our members, that we will be able to face every challenge, face every obstacle and face them with conviction, dignity, respect for each other and with positive solutions to these problems to move this state forward.

Thank you again. I appreciate all of you and I'll continue to do my best to make sure that I never disappoint you and always make you proud.

Thank you very much, ladies and gentlemen.

At the request of Senator Unger, and by unanimous consent, the foregoing acceptance remarks by Senator Kessler (Mr. President) were ordered extended in the Journal.

The next order of business being the election of a Clerk,

For that office, Senator Stollings nominated the Honorable Joseph M. Minard, of the County of Harrison; seconded by Senator Facemire.

The following communication was reported by the Clerk:

THE SENATE OF WEST VIRGINIA
CHARLESTON

January 9, 2013

The Honorable Jeffrey V. Kessler
President, West Virginia Senate
State Capitol
Charleston, West Virginia

Dear President Kessler:

Please accept this letter as official notification of my resignation as a member of the West Virginia Senate, effective immediately.

It has been a great honor and privilege to serve in the Senate and represent the citizens of the 12th Senatorial District for more than four terms. I look forward to continuing my public service as Clerk of this distinguished body.

Sincerely,

Joseph M. Minard

On motion of Senator M. Hall, Mr. Minard was elected Clerk of the Senate by acclamation.

Whereupon, Mr. Minard came forward to the Clerk's desk, taking and subscribing to the several oaths of office prescribed by the Constitution, which oaths were administered by the Honorable Brent D. Benjamin, Chief Justice of the Supreme Court of Appeals of West Virginia.

The next order of business being the election of a Sergeant at Arms,

For that office, Senator Chafin nominated the Honorable Howard L. Wellman, of the County of Mercer; seconded by Senator Green.

On motion of Senator M. Hall, Mr. Wellman was reelected Sergeant at Arms of the Senate by acclamation.

Whereupon, Mr. Wellman came forward to the Clerk's desk, taking and subscribing to the several oaths of office prescribed by the Constitution, which oaths were administered by the Honorable Brent D. Benjamin, Chief Justice of the Supreme Court of Appeals of West Virginia.

The last order of business in the biennial organization of the Senate being the election of a Doorkeeper,

For that office, Senator McCabe nominated the Honorable Anthony Gallo, of the County of Kanawha; seconded by Senator Prezioso.

On motion of Senator M. Hall, Mr. Gallo was reelected Doorkeeper of the Senate by acclamation.

Whereupon, Mr. Gallo came forward to the Clerk's desk, taking and subscribing to the several oaths of office prescribed by the Constitution, which oaths were administered by the Honorable Brent D. Benjamin, Chief Justice of the Supreme Court of Appeals of West Virginia.

With the completion of organization of the Senate, by the election of officers for the eighty-first Legislature,

The next organizing resolution was then offered, Senator Unger submitting the following:

Senate Resolution No. 2—Raising a committee to notify the House of Delegates the Senate has assembled and completed its organization.

Resolved by the Senate:

That a committee of three be appointed by the President to inform the House of Delegates that the Senate has assembled, with a quorum present, organized by the reelection of the Honorable Jeffrey V. Kessler as President and Mr. Joseph M. Minard as Clerk, and is ready to proceed with the business of this regular session.

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

Whereupon, the President appointed as members of such committee, the following:

Senators Miller, D. Hall and Carmichael.

Subsequently, Senator Miller reported that the committee had performed the duty assigned to it.

The first message this session from the House of Delegates, by

Delegates Barill, Young and Border, announced that the House of Delegates has assembled, with a quorum present, organized by the reelection of the Honorable Richard Thompson as Speaker, and Mr. Gregory M. Gray as Clerk, and is ready to proceed with the business of this first regular session of the eighty-first Legislature.

Senator Unger then offered the following resolution:

Senate Resolution No. 3—Raising a committee to inform the Governor that the Legislature is organized.

Resolved by the Senate:

That a committee of three on the part of the Senate, to join with a committee on the part of the House of Delegates, be appointed by the President to notify His Excellency, the Governor, that the Legislature has assembled in regular session and organized by the election of officers as required by the Constitution and is ready, with a quorum of each house present, to proceed with the business of this session and to receive any communication or message he may desire to present.

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

Whereupon, the President appointed as members of such committee, the following:

Senators Kirkendoll, Fitzsimmons and Sypolt.

A message from the House of Delegates, by

Delegates Campbell, Marcum and Westfall, announced that the Speaker had appointed them a committee of three to join with the similar committee on the part of the Senate under the provisions of Senate Resolution No. 3 to wait upon the Governor. Senate and House members of this select committee then proceeded to the executive offices.

Subsequently, Senator Kirkendoll reported that the joint Senate and House committee had performed the duty assigned to it.

Senator Prezioso offered the following resolution:

Senate Resolution No. 4—Relating to the mailing of bills and journals.

Resolved by the Senate:

That during the regular and any extraordinary session of the eighty-first Legislature the Clerk of the Senate is hereby authorized to have mailed from the Senate document room copies of bills and daily journals of the Senate to addresses furnished by members of the Senate, twenty of which such addresses may be submitted by each; the expenses of such mailing, including postage, to be paid out of the contingent fund of the Senate by the Auditor of West Virginia, in advance of the appropriation therefor, under requisition drawn by the Clerk of the Senate.

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

Senators Prezioso and Unger offered the following resolution:

Senate Resolution No. 5—Authorizing the appointment of permanent and per diem employees for the First Regular Session of the Eighty-first Legislature and payment of their compensation.

Resolved by the Senate:

That the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate is hereby authorized to appoint employees to receive the per diem compensation, as herein provided, during this regular sixty-day session of the eighty-first Legislature, and any extension thereof as follows:

Twenty-six Class I secretaries at a rate of seventy dollars to ninety dollars per diem;

Ten Class II secretaries at a rate of seventy-two dollars to ninety-four dollars per diem;

Seven Class III secretaries at a rate of seventy-four to eighty-three dollars per diem;

Eight Class IV secretaries at a rate of seventy-six dollars to eighty dollars per diem;

Seven legislative analysts at a rate of sixty-five dollars to ninety-two dollars per diem;

Thirteen legal counselors at a rate of two hundred dollars to two hundred forty-seven dollars per diem; assignments and salary to be determined by the presiding officer of the Senate;

Two bill and journal clerks to the Senate Clerk at a rate of seventy dollars to seventy-four dollars per diem;

One journal room supervisor at a rate of eighty-five dollars per diem;

One assistant journal room supervisor at a rate of seventy-four dollars per diem;

Nine journal and bill room clerks at a rate of sixty-five dollars to eighty-two dollars per diem;

One Sergeant at Arms at a rate not to exceed one hundred sixty-three dollars per diem;

One chief assistant Sergeant at Arms at a rate of seventy-one dollars per diem;

Six assistants to the Sergeant at Arms at a rate of sixty dollars to eighty-one dollars per diem;

One Doorkeeper at a rate not to exceed one hundred twenty dollars per diem;

One chief assistant Doorkeeper at a rate of eighty dollars per diem;

Eight assistants to the Doorkeeper at a rate of sixty dollars to seventy-seven dollars per diem;

One information clerk at a rate of eighty-four dollars per diem (forty-two dollars per diem paid by House of Delegates);

Seven messengers at a rate of sixty dollars to sixty-four dollars per diem;

One head page at a rate of sixty-nine dollars per diem;

One assistant head page at a rate of sixty-five dollars per diem;

One recording system operator at a rate of eighty-five to ninety-one dollars per diem;

One computer technical assistant at a rate of seventy-five dollars per diem;

One parking coordinator at a rate of one hundred five dollars per diem (fifty-two dollars and fifty cents per diem paid by House of Delegates);

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such per diem staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of the Senate. In all such cases, the Clerk of the

Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel; and, be it

Further Resolved, That the appointment of salaried full-time employees of the Senate for the year two thousand thirteen and their compensation, at the following amounts per month, for such periods of time as they are employed in the positions designated, is hereby authorized, as follows:

Clerk	\$7,806.46
Assistant Clerk	4,166.68
Executive Secretary to Clerk	3,333.34
Fiscal Officer.	4,624.18
Assistant Fiscal Officer.	3,666.68
Technical Support	3,208.33
Deputy Clerk.	5,117.92
Chief Desk Clerk.	4,135.42
Chief Journal Clerk.	3,666.68
Bill History Clerk	3,333.34
Bill Clerk.	2,750.00
Administrative Assistant	3,697.50
Administrative Secretary	3,017.50
Minor Committee Support	3,060.00
Minor Committee Support	2,337.50
Counsel to Minor Committees	6,166.68
Counsel to President	7,432.50
Senior Assistant to President.	4,583.34
Media Specialist/ Administrative Assistant to President	4,166.68
Executive Secretary to President	3,000.00
Chief Counsel to Majority Leader	7,636.68
Senior Legislative Analyst/ Assistant Parliamentarian	3,675.84
Senior Assistant to Majority Leader	3,166.68
Legal Legislative Secretary.	2,737.92
Secretary to Minority Leader	2,833.34
Counsel to Education Committee	6,871.68

Senior Legislative Analyst to	
Education Committee	6,679.18
Legislative Analyst to Education Committee	2,916.68
Administrative Assistant/	
Clerk to Education Committee	2,500.00
Chief Counsel to Finance Committee	6,700.00
Budget-Policy Analyst to Finance Committee	5,083.34
Clerk to Finance Committee	2,916.68
Committee Administrator to	
Government Organization Committee	3,166.68
Clerk to Government Organization Committee	2,458.34
Senior Counsel to	
Health and Human Resources Committee	6,136.26
Clerk to Health and Human Resources Committee	2,833.34
Chief Counsel to Judiciary Committee	6,250.00
Counsel to Judiciary Committee	5,333.34
Legislative Analyst/	
Clerk to Judiciary Committee	2,708.34
Secretary to Judiciary Committee	2,716.68
Supervisor, Materials & Supplies	3,885.42
Purchasing & Procurement Clerk	3,185.00
Mail/Supply Clerk	2,826.25
Chief Custodian	3,166.25
Custodian	2,040.00
Custodian	1,791.68

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such full-time staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of

the Senate. In all such cases, the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel.

At the request of Senator Unger, unanimous consent being granted, the resolution (S. R. No. 5) was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Senators Kessler (Mr. President), Unger and M. Hall offered the following resolution:

Senate Concurrent Resolution No. 1—Adopting joint rules of the Senate and House of Delegates.

Resolved by the Legislature of West Virginia:

That the Joint Rules of the Senate and House of Delegates governing the eightieth Legislature are hereby adopted to govern the proceedings of the eighty-first Legislature, subject to subsequent amendment.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

Senators Kessler (Mr. President), Prezioso and M. Hall offered the following resolution:

Senate Concurrent Resolution No. 2—Relating to the payment of bills for supplies, services and printing and authorized contingent and other expenses of the eighty-first Legislature.

Resolved by the Legislature of West Virginia:

That for the regular and any extraordinary session of the eighty-first Legislature, the Auditor of West Virginia, in advance of the appropriation for such purposes, is hereby authorized, upon proper requisition of the Clerk of the Senate and the Clerk of the House of Delegates, to pay bills for supplies and for services furnished to the Legislature preparatory to the beginning of, during and following the adjournment of sessions, including contingent expenses of the respective houses; the per diem of officers, other than the President of the Senate and the Speaker of the House of Delegates, and employees of the Senate and of the House of Delegates; travel expenses of members as authorized by law; bills for legislative printing as the accounts for same become due; and any other authorized contingent and other expenses of the Legislature or the respective houses.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

The Senate proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 1—Raising a Joint Assembly to open and publish election returns.

Resolved by the Legislature of West Virginia:

That the two houses of the Legislature convene in Joint Assembly in the Hall of the House of Delegates at 1:30 o'clock postmeridian, this day, that the Speaker of the House of Delegates may, in the presence of the Senate, open and publish the returns of the election held throughout the State on the 6th day of November, 2012, as provided by Sec. 3, Article VII of the Constitution.

At the request of Senator Unger, and by unanimous consent, the message was taken up for immediate consideration and reference of the resolution to a committee dispensed with.

The question being on the adoption of the resolution, the same was put and prevailed.

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

The hour of 1:30 p.m. having arrived, that being the time set for the joint assembly to open and publish state election returns (under the provisions of H. C. R. No. 1, previously adopted by the Senate),

On motion of Senator Unger, the Senate recessed until five minutes after adjournment of the joint assembly. Members of the Senate then repaired in a body to the hall of the House of Delegates.

(NOTE: For formal procedure in the joint assembly, see the Journal of the House of Delegates for this day.)

The joint assembly having been dissolved, the Senate returned to its chamber and resumed its regular session.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 1, Adopting joint rules of Senate and House.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 2, Authorizing payment of supplies, services, printing and other expenses.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 2—Providing for an adjournment of the Legislature until February 13, 2013.

Whereas, The first regular session of the 81st Legislature assembled on this date, the second Wednesday in January, 2013, organized by the election of officers of the two houses, and the two houses in joint assembly opened and published the returns of the election of state officers held on the 6th day of November, 2012, all as prescribed by Section 18, Article VI of the Constitution of the State; and the two houses adopted rules to govern their proceedings and separately and concurrently acted on certain other matters incident to organization; therefore, be it

Resolved by the Legislature of West Virginia:

That having complied with the provisions of said section of the Constitution, when adjournment is taken by the two houses this day, such adjournment shall be until February 13, 2013, at 12 o'clock meridian.

At the request of Senator Unger, and by unanimous consent, the message was taken up for immediate consideration and reference of the resolution to a committee dispensed with.

The question being on the adoption of the resolution, the same was put and prevailed.

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

On motion of Senator Unger, and in accordance with House Concurrent Resolution No. 2, previously adopted, the Senate adjourned until Wednesday, February 13, 2013, at 12 o'clock Noon.

WEDNESDAY, FEBRUARY 13, 2013

The Senate met at 12 Noon.

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

Prayer was offered by the Reverend Brian O'Donnell, S. J., Executive Secretary, Catholic Conference of West Virginia, Charleston, West Virginia.

Pending the reading of the Journal of Wednesday, January 9, 2013,

On motion of Senator Fitzsimmons, the Journal was approved and the further reading thereof dispensed with.

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

Clark S. Barnes, of the County of Randolph, having been among the candidates for State Senator for the State of West Virginia appearing to have been elected November 6, 2012, and having been absent on

January 9, 2013, at the convening of the Eighty-First Legislature, was administered the several oaths of office prescribed by the Constitution by the Honorable Jack Alsop, Judge of the Fourteenth Judicial Circuit of West Virginia, on January 14, 2013.

The Senate proceeded to the third order of business.

Executive Communications

The following communication from His Excellency, the Governor, was reported by the Clerk:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

January 16, 2013

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Secretary Tennant:

Pursuant to W. Va. Code §3-10-5, I have this day appointed Samuel J. Cann, Sr., 21 Maple Lk, Bridgeport, Harrison County, West Virginia 26330, as a Senator representing the Twelfth Senatorial District, to fill the vacancy created by the resignation of the Honorable Joseph M. Minard from this day through the remainder of the unexpired term of said office.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Jeffrey V. Kessler

The several oaths of office prescribed by the Constitution were administered by the Honorable Joseph M. Minard, Clerk of the West Virginia Senate, to Samuel J. Cann, of the County of Harrison, on January 24, 2013.

The following communication was reported by the Clerk:

THE SENATE OF WEST VIRGINIA
CHARLESTON

January 14, 2013

The Honorable Jeffrey V. Kessler
President, West Virginia Senate
State Capitol
Charleston, West Virginia

Dear President Kessler:

Please let this letter serve as my official notification that I hereby resign my Senate seat in order to continue my public service to the great state of West Virginia as its next Agriculture Commissioner. My resignation is effective as of today, Monday, January 14, 2013, at 12:00 p.m.

I have served in this distinguished body for nearly a quarter of a century and have helped guide this state through troubled financial times into the prosperity we have most recently enjoyed. And while there is no doubt we in West Virginia face great challenges in our immediate future, I leave this Senate knowing our state is in capable and steady hands.

I want to thank the citizens of Pocahontas County and the citizens of the 15th Senatorial District for putting their trust in me for the past 23 years and allowing me to serve their interests. I also want to thank my Senate colleagues and the Senate staff, both past

and present, for their hard work and dedication to this State, but more importantly, for their friendship.

As I move on to the next stage in my career of public service, I look forward to maintaining building upon the relationships I have built while a member of this Senate and continuing to do the work of the people of West Virginia.

Sincerely,

Walt Helmick

The following communication from His Excellency, the Governor, was next reported by the Clerk:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

January 23, 2013

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Secretary Tennant:

Pursuant to W. Va. Code §3-10-5, I have this day appointed Donald H. Cookman, 356 Woodland Way, Romney, Hampshire County, West Virginia 26757, as a Senator representing the Fifteenth Senatorial District, to fill the vacancy created by the resignation of the Honorable Walt Helmick from this day through the remainder of the unexpired term of said office.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Jeffrey V. Kessler

The several oaths of office prescribed by the Constitution were administered by the Honorable Thomas H. Keadle, Judge of the Twenty-Sixth Judicial Circuit of West Virginia, to Donald H. Cookman, of the County of Hampshire, on January 31, 2013.

Senator Kessler (Mr. President) laid before the Senate the following communication:

DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY
CHARLESTON

August 21, 2012

The Honorable Jeffrey V. Kessler
President, Senate of West Virginia
State Capitol
Charleston, West Virginia

Dear President Kessler:

This is to notify you that in accordance with the provisions of the Open Government Proceedings Act §6-9A, *et seq.*, of the West Virginia Code, timely notice of the meeting of the Board of the West Virginia Regional Jail and Correctional Facility Authority (WVRJCFA) was filed June 4, 2012, with the Secretary of State's office for publication in the West Virginia State Register. The meeting was held August 16, 2012, at 1:00 p.m., in the Conference Room of the Office of the Cabinet Secretary of the West Virginia

Department of Military Affairs and Public Safety (WVDMAPS) at Building 1, Suite W-400, 1900 Kanawha Boulevard, East in Charleston, West Virginia. As the Cabinet Secretary of WVDMAPS and a member of the Board of WVRJCFA, I am authorized to advise you that a quorum was ascertained and by a majority vote and in accordance with West Virginia Code §31-20, *et seq.*, Joseph DeLong was appointed, subject to the advice and consent of the Senate, as Executive Director, to serve at the will and pleasure of the Board, for a term of five years to commence on August 16, 2012.

Accordingly, I am herewith submitting the name of Joseph DeLong as Executive Director for the WVRJCFA for the confirmation process of the West Virginia State Senate.

Sincerely,

Joseph C. Thornton,
Cabinet Secretary.

Which communication was received and referred to the Committee on Confirmations.

On motion of Senator Green, consideration of the appointment submitted by the Regional Jail and Correctional Facility Authority immediately hereinbefore reported was made a special order of business for Saturday, April 13, 2013, at 11 a.m.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills and joint resolutions were introduced, read by their titles, and referred to the appropriate committees:

By Senators Plymale, Jenkins, Stollings and McCabe:

Senate Bill No. 1—A Bill to amend and reenact §17-27-9 of the Code of West Virginia, 1931, as amended, relating to comprehensive

agreements for public-private transportation facilities; changing final date that the division may enter into comprehensive agreements; and substituting the Secretary of the Department of Transportation for the Legislature as the party authorized to approve comprehensive agreements.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Sypolt, Barnes, Blair, Stollings, D. Hall, McCabe, Williams, Cole and Carmichael:

Senate Bill No. 2—A Bill to amend and reenact §19-25-2 of the Code of West Virginia, 1931, as amended, relating to limiting a landowner's civil liability for injuries that may occur to a person or property on the landowner's property or surrounding property while hunting.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senator Jenkins:

Senate Bill No. 3—A Bill to amend and reenact sections 1, 2 and 3, chapter 232, Acts of the Legislature, regular session, 1997, all relating to expanding the counties covered by West Virginia Route 2 and Interstate 68 Authority to include Cabell, Mason and Jackson counties; and increasing the number of voting members from twenty to twenty-six.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.

By Senators Jenkins, Barnes, D. Hall and Green:

Senate Bill No. 4—A Bill to amend and reenact §7-8-14 of the Code of West Virginia, 1931, as amended, relating to requiring defendants who are sentenced to jail to pay the costs of incarceration; limiting the amount to be paid to thirty days; and requiring the

sentencing court to conduct a hearing at or before sentencing to determine the individual's ability to pay the costs.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Jenkins and Plymale:

Senate Bill No. 5—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-1-1a, relating to the temporary detention, up to a maximum of six hours, of criminal suspects by law-enforcement officers to inquire about the commission of a crime where probable cause appears to exist.

Referred to the Committee on the Judiciary.

By Senators Jenkins, Plymale, McCabe and Green:

Senate Bill No. 6—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-11-7; to amend said code by adding thereto a new section, designated §8-21-10a; and to amend said code by adding thereto a new section, designated §20-5-23, all relating to immunity from civil liability for operators of parks and recreation districts.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senators Jenkins, Barnes, McCabe, Cole and Carmichael:

Senate Bill No. 7—A Bill to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend said code by adding thereto a new section, designated §3-5-6a; to amend and reenact §3-5-7, §3-5-13 and §3-5-13a of said code; and to amend said code by adding thereto a new section, designated §3-6-2a, all relating to electing Justices of the Supreme Court of Appeals on a nonpartisan basis; establishing the timing and frequency of election; setting forth

the ballot design and printing; requiring the election of Justices of the Supreme Court of Appeals be separate from a partisan ballot; filing the announcement of candidacies; permitting withdrawal of announcement of candidacies; refunding paid filing fees; and setting forth the ballot content and form.

Referred to the Committee on the Judiciary.

By Senators Jenkins and Fitzsimmons:

Senate Bill No. 8—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-27, relating to requiring an additional five years of incarceration when utilizing a minor in the commission of a crime.

Referred to the Committee on the Judiciary.

By Senators Jenkins and McCabe:

Senate Bill No. 9—A Bill to amend and reenact §33-6A-1 of the Code of West Virginia, 1931, as amended, relating to automobile liability insurance policies; cancellation prohibited except for specified reasons; and providing for nonrenewal for failure of consideration.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Jenkins and Plymale:

Senate Bill No. 10—A Bill to amend and reenact §30-3-14 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-4-21 of said code; and to amend and reenact §30-14-12a of said code, all relating to the Board of Medicine, Board of Dental Examiners and the Board of Osteopathy; and permitting the boards to independently initiate disciplinary proceedings in certain circumstances.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Stollings, Jenkins and Beach:

Senate Bill No. 11—A Bill to amend and reenact §60A-1-101 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60A-2-204, §60A-2-206, §60A-2-208, §60A-2-210 and §60A-2-212 of said code, all relating generally to schedules of controlled substances; modifying and including definitions; and updating West Virginia schedules of controlled substances to include certain substances found in the federal schedules of controlled substances.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senators M. Hall, Barnes and McCabe:

Senate Bill No. 12—A Bill to amend and reenact §23-4-2 of the Code of West Virginia, 1931, as amended, relating to disbursement where injury is self inflicted or intentionally caused by the employer.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators M. Hall, Blair, Sypolt and Carmichael:

Senate Bill No. 13—A Bill to amend and reenact §3-1-34 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17B-2-1 of said code, all relating to voting procedures; presentation of documentation identifying the voter to one of the poll clerks; providing for the casting of a provisional ballot by a person without adequate proof of identification; providing for the issuance of identification cards; and requiring the state to provide the same free of charge to any qualified voter.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Nohe:

Senate Bill No. 14—A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended, relating to requiring

the Secretary of the Department of Environmental Protection to propose rules for legislative approval to implement procedures under which county commissions and municipal governments are granted a limited exemption from certain litter provisions to undertake timely and efficient removal or burning of litter, trash and debris resulting from storms and other weather-related events causing extensive property damage.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senator Green:

Senate Bill No. 15—A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended, relating to reemployment after retirement from the Public Employees Retirement System; and requiring cooperation and information sharing among the State Auditor, the Consolidated Public Retirement Board, the State Department of Administration, employers participating in the Public Employees Retirement System and contractors providing services to the state.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senators Green and Miller:

Senate Bill No. 16—A Bill to amend and reenact §16-5-21 of the Code of West Virginia, 1931, as amended, relating to fetal death reporting; permitting a birth certificate to be issued upon the death of a human embryo or fetus; setting forth what a certificate of birth resulting in stillbirth is to contain; establishing when a human being is live born; requiring a fetal death certificate be issued; defining terms; authorizing rulemaking; and creating the Grieving Parents Act.

Referred to the Committee on the Judiciary.

By Senators Williams and Beach:

Senate Bill No. 17—A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended, relating to the taxing of utility terrain vehicles; making an exception for vehicles used for agricultural purposes; and defining “utility terrain vehicles” as motor vehicles.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Jenkins and McCabe:

Senate Bill No. 18—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-3-1c, relating to the method of appraising certain affordable, multifamily rental housing property for ad valorem property tax purposes; and granting rule-making authority.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Jenkins and Plymale:

Senate Bill No. 19—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to personal income tax; providing a credit against that tax for fees paid for recycling; limiting the credit to \$600; and granting rule-making authority.

Referred to the Committee on Finance.

By Senator Jenkins:

Senate Bill No. 20—A Bill to amend and reenact §23-2-1 of the Code of West Virginia, 1931, as amended, relating to exempting a taxicab company from being required to subscribe to or pay into the Workers’ Compensation Fund if it has a liability insurance policy approved by the Insurance Commissioner; and setting forth other conditions.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Stollings, Jenkins and Kessler (Mr. President):

Senate Bill No. 21—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-1C-1, §16-1C-2, §16-1C-3, §16-1C-4, §16-1C-5, §16-1C-6 and §16-1C-7, all relating generally to requiring health care providers to wear identification badges; setting forth legislative findings and purpose; providing definitions; establishing identification badge requirement; setting forth exemptions; addressing enforcement; providing for applicability; and granting rule-making authority.

Referred to the Committee on Health and Human Resources; and then to the Committee on Government Organization.

By Senators Stollings, Jenkins, Kessler (Mr. President), Miller and Beach:

Senate Bill No. 22—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-15-4k; to amend said code by adding thereto a new section, designated §33-16-3w; to amend and reenact §33-16E-2 of said code; to amend said code by adding thereto a new section, designated §33-24-7l; to amend said code by adding thereto a new section, designated §33-25-8i; and to amend said code by adding thereto a new section, designated §33-25A-8k, all relating generally to requiring health insurance coverage of maternity and contraceptive services in certain circumstances; providing maternity and contraceptive services for all individuals participating in or receiving insurance coverage under a health insurance policy if those services are covered under the policy; excluding certain drugs and devices from the definition of “contraceptives”; modifying required benefits for public employees insurance, accident and sickness insurance, group accident and sickness insurance, hospital medical and dental corporations, health care corporations and health maintenance

organizations; and providing exceptions to the extent that required benefits exceed the essential health benefits specified under the Patient Protection and Affordable Care Act.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

By Senators Stollings, Jenkins, Laird, Kessler (Mr. President), Miller and Beach:

Senate Bill No. 23—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-45-1, §16-45-2, §16-45-3, §16-45-4 and §16-45-5, all relating generally to the administration of epinephrine in emergency situations; authorizing certain individuals to obtain a prescription for epinephrine, purchase epinephrine and administer epinephrine in emergency situations; development and approval of certain training programs relating to the administration of epinephrine in emergency situations; granting rule-making authority; addressing applicability of article; and providing for limitations on civil and criminal liability.

Referred to the Committee on Health and Human Resources.

By Senators Stollings, Jenkins, Barnes, Cole and Carmichael:

Senate Bill No. 24—A Bill to amend and reenact §16-5C-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that actions brought for damages for injuries suffered in a nursing home are subject to the same liability limitations as other medical professional liability actions.

Referred to the Committee on the Judiciary.

By Senators Stollings and Jenkins:

Senate Bill No. 25—A Bill to amend and reenact §27-5-11 of the Code of West Virginia, 1931, as amended, relating to modified mental hygiene procedures; deleting the termination date of the

modified mental hygiene procedures pilot project; authorizing additional programs throughout the state; and continuing the pilot project as a permanent program.

Referred to the Committee on the Judiciary.

By Senators Stollings and Yost:

Senate Bill No. 26—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4k; to amend said code by adding thereto a new section, designated §33-16-3w; to amend said code by adding thereto a new section, designated §33-24-7l; to amend said code by adding thereto a new section, designated §33-25-8i; and to amend said code by adding thereto a new section, designated §33-25A-8k, all relating generally to requiring health insurance coverage of hearing aids for individuals under eighteen years of age; providing for an effective date for coverage; providing definitions; setting age limitations; providing for coverage limits and time frames; and modifying required benefits for accident and sickness insurance, group accident and sickness insurance, hospital medical and dental corporations, health care corporations and health maintenance organizations.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

By Senators Stollings, Jenkins, Laird and Kessler (Mr. President):

Senate Bill No. 27—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-4C-24, relating generally to allowing State Police, police, sheriffs and fire and emergency service personnel to possess Naloxone or other approved opioid antagonist to administer in opioid drug overdoses; defining terms; providing for training; establishing training requirements for first responders who may administer opioid antagonists; establishing criteria under which a first responder may

administer an opioid antagonist; granting immunity to health care providers who prescribe, dispense or distribute Naloxone or other approved opioid antagonist related to a training program; granting immunity to initial responders who administer or fail to administer an opioid antagonist; providing for data gathering and reporting; and authorizing emergency rulemaking.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Green:

Senate Bill No. 28—A Bill to amend and reenact §16-38-3 and §16-38-7 of the Code of West Virginia, 1931, as amended, all relating to tattoo studio business; prohibiting minors under the age of sixteen from obtaining a tattoo; requiring that a parent or legal guardian be present at the tattoo studio and provide photo identification and written consent for minors sixteen years of age or older; and providing for criminal penalties.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senators Stollings, Jenkins, Laird, Plymale and Miller:

Senate Bill No. 29—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j; and to amend said code by adding thereto a new section, designated §11-24-25, all relating to providing a tax incentive to dental practitioners to perform dental services at no cost to indigent patients as defined in these sections.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

By Senators Stollings, Jenkins, Laird and Miller:

Senate Bill No. 30—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-

5-12a, relating to the Department of Health and Human Resources and Medicaid; and requiring the coverage by Medicaid of dental services for the mother of a child who is the recipient of Medicaid services.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

By Senators Stollings, Laird, Miller and Carmichael:

Senate Bill No. 31—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-3-1a, relating to providing a loan forgiveness program for dentists and hygienists.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senator Stollings:

Senate Bill No. 32—A Bill to amend and reenact §51-2A-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §62-1D-6 of said code, all relating to cellular telephone communications; making express that wiretapping evidentiary provisions apply to matters in family court; and providing that cellular phone communications, including texting, are confidential and not subject to discovery in civil proceedings.

Referred to the Committee on the Judiciary.

By Senators Jenkins, Fitzsimmons, Sybolt and Williams:

Senate Bill No. 33—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; adjusted gross income of resident individual; and exempting all military retirement income from state income tax.

Referred to the Committee on Military; and then to the Committee on Finance.

By Senators Jenkins and McCabe:

Senate Bill No. 34—A Bill to amend and reenact §33-6D-1, §33-6D-2 and §33-6D-3 of the Code of West Virginia, 1931, as amended, all relating to use of particular companies or locations providing automobile glass replacement or repair services; adding third-party administrators to those who may not require particular companies or locations when a claim is made under an insurance policy; adding third-party administrators to the list of insurers, agents and adjusters; providing that an insurer or third-party administrator that has a financial interest in an automobile glass company on a recommendation list must disclose that fact on the list of names of automobile glass companies or locations that are reasonably close and convenient to the insured or claimant; and providing that the list must contain at least two different automobile glass companies.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Williams and Sypolt:

Senate Bill No. 35—A Bill to amend and reenact §3-6-4a of the Code of West Virginia, 1931, as amended, relating to elections; requiring write-in candidates for public office to pay a filing fee for the office sought; and providing for distribution of the fee in the same manner as other candidates.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Plymale and McCabe:

Senate Bill No. 36—A Bill to amend and reenact §18-2-23a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2-39; and to amend and reenact §18-2E-5 of said code, all relating to college and career readiness; requiring the State Board of Education, the Higher Education Policy Commission and the Council for Community and Technical College Education to collaborate

in adopting uniform and specific college- and career-readiness standards for English/language arts and math; setting forth methods for determining whether students have met the college- and career-readiness standards; requiring that an explicit focus be embedded in each course on the development of English/language arts and math skills; requiring a twelfth-grade transitional course for both English/language arts and math for students not on track to be college ready; requiring professional development on teaching the college- and career-readiness standards be included in the state board's goals for professional staff development and ultimately in its Master Plan for Professional Staff Development; requiring the state board to require all teacher preparation programs to include appropriate training for teachers teaching in at least grades eight through twelve on how to teach the adopted standards; requiring the use of certain assessments or exams, as applicable, to determine whether a student is to enroll in a remedial course or be placed immediately in a college-level introductory course; requiring accountability for increasing the percentage of students who meet the standards and for increasing the percentage of students who are making adequate progress toward meeting the standards; and deleting the requirement that a school or school system that achieves adequate yearly progress is eligible for no less than full accreditation or approval status as applicable.

Referred to the Committee on Education.

By Senators Plymale, Jenkins and Stollings:

Senate Bill No. 37—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18-2-39 and §18-2-40, all relating to improving public education results; requiring the state board to promulgate a rule establishing a high-quality digital learning program; specifying ten elements the program must encompass which are elements pertaining to student eligibility, student access, personalized learning, advancement, content, instruction, digital learning providers, assessment and accountability, funding and delivery; recognizing the State Board

of Education's Global 21 Middle School initiative including its goals, objectives and process; recognizing that the State Board of Education is seeking state funding for the implementation of the initiative; and requiring State Board of Education to report to the Legislative Oversight Commission on Education Accountability at certain intervals on the implementation of the initiative until fully implemented.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senator Jenkins:

Senate Bill No. 38—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-5D-1, §18-5D-2, §18-5D-3, §18-5D-4, §18-5D-5, §18-5D-6, §18-5D-7, §18-5D-8, §18-5D-9, §18-5D-10, §18-5D-11, §18-5D-12, §18-5D-13, §18-5D-14, §18-5D-15, §18-5D-16, §18-5D-17, §18-5D-18 and §18-5D-19, all relating to public education; authorizing public colleges or universities to sponsor community schools in cooperation with county boards of education; providing short title; stating legislative intent; providing definitions; stating powers of community schools and requirements; providing for boards of trustees and their powers; establishing pilot projects; setting forth the content of an application for a community school; requiring a written agreement between a county board and the community school board; providing exemption from public schools facility rules; providing for enrollment; providing for school staff and students; requiring a county board of education to fund each community school in its county; providing for the transportation of students; establishing tort liability of community schools; requiring annual reports and assessments; and providing causes for nonrenewal or termination.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Jenkins, Stollings, Kessler (Mr. President), Sypolt, McCabe, Williams, Cole and Carmichael:

Senate Bill No. 39—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5 and §5B-2I-6, all relating to creating the Jobs Impact Statement Act; requiring a jobs impact statement for certain proposed legislation; making legislative findings; setting forth the contents of a jobs impact statement; and availability of the statements.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

By Senators Stollings, Jenkins and Miller:

Senate Bill No. 40—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-4F-1, §16-4F-2, §16-4F-3, §16-4F-4 and §16-4F-5; to amend and reenact §30-3-14 and §30-3-16 of said code; to amend and reenact §30-7-15a of said code; to amend and reenact §30-14-11 of said code; and to amend and reenact §30-14A-1 of said code, all relating to treatment for a sexually transmitted disease; defining terms; permitting prescribing of antibiotics to sexual partners of a patient without a prior examination of the partner; requiring patient counseling; establishing counseling criteria; requiring information materials be prepared by the Department of Health and Human Resources; providing limited liability for providing expedited partnership therapy; requiring legislative rules regarding what is considered a sexually transmitted disease; and providing that physicians, physician assistants and advanced nurse practitioners are not subject to disciplinary action for providing treatment in an expedited partnership setting.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Barnes:

Senate Bill No. 41—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, §61-14-8, §61-14-9 and §61-14-10, all relating to creating the Support our Law Enforcement and Safe Neighborhoods Act; defining terms; requiring cooperation among officials and agencies; permitting lawful actions; establishing enforcement procedures; requiring aliens to carry alien registration documents; making it illegal to stop to pick up passengers for work; making it illegal to transport, move, conceal, harbor or shield unauthorized aliens; making it illegal to knowingly or intentionally employ unauthorized aliens; making it illegal to file false and frivolous complaints; creating the Intelligence Team Enforcement Mission Fund; setting forth civil and criminal penalties; and establishing a severability provision.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Barnes and Williams:

Senate Bill No. 42—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to providing a \$250 tax credit to firefighters who have up-to-date credentials during the taxable year.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Barnes, Blair and Walters:

Senate Bill No. 43—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-42-9, relating to prohibiting the performance of any abortion when the woman seeking it is doing so solely on account of the gender of the fetus; and prescribing a criminal penalty for violations of this section.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Barnes:

Senate Bill No. 44—A Bill to amend and reenact §18A-2-9 of the Code of West Virginia, 1931, as amended, relating to school personnel; and requiring the employment of assistant principals at schools with enrollments of three hundred fifty or more students.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senator Barnes:

Senate Bill No. 45—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-6a, relating to providing a religious exemption to the collection of Social Security numbers and information usable with biometric information when issuing driver's licenses; and rule-making authority.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senator Barnes:

Senate Bill No. 46—A Bill to amend and reenact §8-10-2 of the Code of West Virginia, 1931, as amended, relating to decreasing the number of jurors on a municipal jury in criminal matters from twelve to six.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Williams, Miller, Sypolt and Beach:

Senate Bill No. 47—A Bill to repeal §19-18-4, §19-18-5, §19-18-6, §19-18-7, §19-18-8, §19-18-9, §19-18-10, §19-18-11 and §19-18-12 of the Code of West Virginia, 1931, as amended; and

to amend and reenact §19-18-1, §19-18-2 and §19-18-3 of said code, all relating to providing a general livestock trespass law; prohibiting livestock from trespassing; clarifying damages that may be recovered; permitting containment of livestock; requiring owner of trespassing livestock be notified; requiring containment costs be negotiated; permitting containment costs to be recovered in court; permitting the sheriff to take possession of unclaimed livestock; permitting unclaimed livestock be sold at auction; setting forth how the proceeds of a livestock sale shall be distributed; and establishing misdemeanor penalties.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senator Barnes:

Senate Bill No. 48—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §33-42-9 and §33-42-10, all relating to the care of aborted fetuses; requiring medical facilities that provide abortions to administer anesthesia to an unborn fetus when aborted if it is older than seven weeks; requiring all available medical means to be used to preserve the life of a fetus if it is alive when aborted; and providing criminal penalties for violations.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senators Barnes and Blair:

Senate Bill No. 49—A Bill to amend and reenact §11-5-1 of the Code of West Virginia, 1931, as amended, relating to the assessment of personal property; and exempting motor vehicles, including automobiles, motorcycles, airplanes, trucks and tractors, that are older than twenty-five years from taxable personal property.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Plymale, Jenkins, Stollings and McCabe:

Senate Bill No. 50—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-21-1, §31-21-2, §31-21-3, §31-21-4, §31-21-5, §31-21-6, §31-21-7, §31-21-8, §31-21-9, §31-21-10, §31-21-11, §31-21-12, §31-21-13, §31-21-14, §31-21-15, §31-21-16, §31-21-17, §31-21-18 and §31-21-19, all relating to creating the nonprofit West Virginia Land Stewardship Corporation Act; making findings, declaring policy and stating its purpose; establishing a land bank program; defining terms; enumerating powers; establishing a board of directors; setting forth responsibilities; providing for underwriting; establishing a state certified sites program; setting forth minimum standards; preserving property values; providing for contaminated property; providing for conflicts of interest; providing a nonwaiver of sovereign immunity; collectively addressing several environmental and economic development programs established to promote the productive reuse of idled and underutilized commercial, industrial and mining properties; supporting more efficient use of existing public infrastructure; encouraging increased job creation with living wages, renewed community vitality and tax revenue generation while protecting public health and natural resources; and providing that obligations of the corporation are not those of the state.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Jenkins and Barnes:

Senate Bill No. 51—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-8i, relating to nursing education faculty; defining terms; creating a tax credit from the personal income tax to encourage nurse faculty to remain in West Virginia; and assigning powers and duties to the State Tax Commissioner.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

By Senators Plymale, Jenkins and Stollings:

Senate Bill No. 52—A Bill to repeal §18B-16-7, §18B-16-8 and §18B-16-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-16-1, §18B-16-2, §18B-16-3, §18B-16-4, §18B-16-5 and §18B-16-6 of said code, all relating to continuing the Rural Health Initiative; setting forth legislative findings, purpose and definitions; discontinuing the Rural Health Advisory Committee and assigning certain of its duties to the Vice Chancellor for Health Sciences; deleting the requirement for creation of primary health care education sites; clarifying certain funding mechanisms and audit and reporting requirements; strengthening accountability measures; updating names; making technical corrections; and deleting obsolete language.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senator Tucker:

Senate Bill No. 53—A Bill to amend and reenact §29-21-9 of the Code of West Virginia, 1931, as amended, relating to panel attorneys; and providing that an attorney from the public defender office shall be appointed by a judge in certain cases.

Referred to the Committee on the Judiciary.

By Senator Jenkins:

Senate Bill No. 54—A Bill to amend and reenact §50-1-4 of the Code of West Virginia, 1931, as amended, relating to requirements to serve as a magistrate; requiring an associate's degree or greater to serve; providing exceptions to education requirements; providing internal operative date; clarifying training requirements; and deleting antiquated provisions.

Referred to the Committee on the Judiciary.

By Senators Sypolt, McCabe and Carmichael:

Senate Bill No. 55—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9o, relating generally to consumers sales and service tax liability of homeowners' associations and their members; and exempting from tax dues, fees and assessments paid to homeowners' associations by members thereof which are to be used by the homeowners' association acting in its representative capacity for all members to purchase for the members, rather than sell to the members, such goods and services.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Sypolt, Blair, Cole and Carmichael:

Senate Bill No. 56—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-29-1, §22-29-2, §22-29-3 and §22-29-4, all relating to creating the Intrastate Coal and Use Act; establishing that the environmental regulation of coal and certain coal products mined and used within the state are exclusively regulated by the West Virginia Department of Environmental Protection; stating legislative authority; and defining terms.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

By Senator Tucker:

Senate Bill No. 57—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-3, relating to fees and other moneys collected at state institutions of higher education; and providing that the children of graduates of West Virginia institutions shall qualify for resident tuition rates.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senator Tucker:

Senate Bill No. 58—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-2E-1, relating to compelling the Division of Highways to build a four-lane highway between Chelyan, West Virginia, and Montgomery, West Virginia, named the Lou Tabit Freeway; and time frame for let to contract and contract.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Tucker and Beach:

Senate Bill No. 59—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-42z, relating to creating a hunting license permitting crossbow hunting; and providing rule-making authority.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

By Senators Tucker and Fitzsimmons:

Senate Bill No. 60—A Bill to amend and reenact §48-25-101 of the Code of West Virginia, 1931, as amended, relating to the name change publication requirement.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill No. 61—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9o, relating to a sales tax exemption for veterinary medications.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

By Senators Sypolt, Barnes and Walters:

Senate Bill No. 62—A Bill to amend and reenact §11-21-21 of the Code of West Virginia, 1931, as amended, relating to changing the qualifier for low income from one hundred fifty percent or less of the federal poverty guideline to three hundred percent or less of the federal poverty guideline for a senior citizens' homestead tax credit.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Sypolt and Miller:

Senate Bill No. 63—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8A-2-4a, relating to requiring an equal number of members from each magisterial district on county planning commissions.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Sypolt and Blair:

Senate Bill No. 64—A Bill to amend and reenact §18B-2A-4 of the Code of West Virginia, 1931, as amended, relating to prohibiting abortions at state college or university medical facilities except when the abortion is necessary to save the life of the woman receiving the abortion.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senators Tucker, Miller, Sypolt and Williams:

Senate Bill No. 65—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1 of said code, all relating to pension benefits exempt from state income taxation; and including Division of Natural Resources police into the class of law-enforcement officers exempted.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senator Sypolt:

Senate Bill No. 66—A Bill to amend and reenact §18-2C-3 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that schools input data into the West Virginia Education Information System; and stylistic changes.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill No. 67—A Bill to amend and reenact §8-15-11 and §8-15-22 of the Code of West Virginia, 1931, as amended, all relating to reinstating former fire chiefs to previously held positions of paid fire departments following expired terms as chief; and providing for appointment of deputy chiefs of fire departments.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Sypolt, D. Hall and Williams:

Senate Bill No. 68—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-26-1, §47-26-2, §47-26-3, §47-26-4, §47-26-5 and §47-26-6, all relating to creating the West Virginia Firearms Freedom Act; exempting firearms, a firearm accessory or ammunition manufactured and retained in West Virginia from federal regulation under the Commerce Clause of the Constitution of the United States; providing short title; legislative declarations of authority; providing definitions; prohibitions; exceptions; and marketing of firearms.

Referred to the Committee on the Judiciary.

By Senators Edgell and Jenkins:

Senate Bill No. 69—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-1-24, relating to providing that faculty and staff at state institutions of higher education are eligible to a seat in the Legislature.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

By Senator Miller:

Senate Bill No. 70—A Bill to amend and reenact §31B-8-809 of the Code of West Virginia, 1931, as amended; to amend and reenact §31D-14-1420 of said code; to amend and reenact §31D-15-1530 of said code; to amend and reenact §31E-13-1320 of said code; and to amend and reenact §31E-14-1430 of said code, all relating to authorizing the Secretary of State to dissolve corporate entities or revoke their certificates of authority if their professional licenses have been revoked or are in default with the Bureau of Employment Programs.

Referred to the Committee on the Judiciary.

By Senators Sypolt, McCabe and Williams:

Senate Bill No. 71—A Bill to amend and reenact §36-3-5a of the Code of West Virginia, 1931, as amended, relating to descriptions of easements and rights-of-way in deeds and similar instruments; and amending the centerline method of description to include width.

Referred to the Committee on the Judiciary.

By Senator Miller:

Senate Bill No. 72—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6,

§61-14-7, §61-14-8, §61-14-9, §61-14-10, §61-14-11, §61-14-12, §61-14-13, §61-14-14, §61-14-15, §61-14-16, §61-14-17, §61-14-18, §61-14-19, §61-14-20, §61-14-21 and §61-14-22, all relating to establishment of the West Virginia Criminal and Civil Forfeiture Act; establishing civil and criminal forfeiture proceedings pertaining to property and assets used in, acquired, gained or flowing from various criminal activities and juvenile offenses; providing definitions; statement of purpose of forfeitures; identifying property subject to forfeiture; establishing exemptions; providing the state with provisional title to property subject to forfeiture; establishing procedures for seizure of property; establishing protections for innocent third-party owners and interest holders; establishing a procedure for processing uncontested forfeitures; establishing general procedures for challenging and evaluating forfeiture procedures; providing for the filing and processing of petitions for in rem forfeiture proceedings; providing for the filing and processing and establishing related procedures for in personam forfeiture proceedings; allowing additional procedures applicable in criminal and civil proceedings in which forfeiture of property is sought; allowing for forfeiture of and execution on substitute property under certain conditions; allowing for release of seized property upon provision of adequate security bond or deposit; providing certain exceptions and limitations; establishing procedures for forfeiture; establishing burdens of proof; providing for the seizure and disposition of forfeited and other property; civil forfeiture action and pretrial hardship release; establishing the crime of interference with or diminishing forfeitable property; providing right to trial by jury; creating standards and procedures for care of property in law-enforcement custody; providing provisions for the sale of forfeited property; prioritizing and directing the application of proceeds and forfeiture funds; providing exceptions; and criminal penalties.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Edgell, Jenkins, Yost, Fitzsimmons and Beach:

Senate Bill No. 73—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-31, relating to establishing criminal penalties for failure to report a missing child by the child's custodian.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill No. 74—A Bill to amend and reenact §52-1-8 of the Code of West Virginia, 1931, as amended, relating to redefining the basis for disqualification of prospective jurors to include those who have been convicted of any crime punishable by imprisonment in excess of one year, perjury or false swearing.

Referred to the Committee on the Judiciary.

By Senators Facemire, Jenkins, Barnes, Kessler (Mr. President), Unger, Snyder, Miller, Sypolt, Williams, Green and Plymale:

Senate Bill No. 75—A Bill to amend and reenact §15-2-7 of the Code of West Virginia, 1931, as amended, relating to the State Police; and providing civilian employee pay increase.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senator Facemire:

Senate Bill No. 76—A Bill to amend and reenact §3-1-3a of the Code of West Virginia, 1931, as amended, relating to voting for President and Vice President; and permitting voters who have moved to vote for those offices.

Referred to the Committee on the Judiciary.

By Senator Facemire:

Senate Bill No. 77—A Bill to amend and reenact §41-1-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §42-1-1 of said code, all relating to automatic revocation of a will upon legal separation; and excluding from the definition of “surviving spouse”, for purposes of descent and distribution, a person who is a party to a decree of legal separation.

Referred to the Committee on the Judiciary.

By Senator Facemire:

Senate Bill No. 78—A Bill to amend and reenact §48-6-301 of the Code of West Virginia, 1931, as amended, relating to prohibiting the use or consideration of an income-producing asset for spousal support if the asset was the subject of equitable distribution.

Referred to the Committee on the Judiciary.

By Senator Edgell:

Senate Bill No. 79—A Bill to amend and reenact §46A-6-102 of the Code of West Virginia, 1931, as amended; and to amend and reenact §47-10-6a of said code, all relating to prohibiting fractional pricing in the retail sale of gasoline; and defining “fractional pricing” as an unfair or deceptive practice.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senator Edgell:

Senate Bill No. 80—A Bill to amend and reenact §18-5-32 of the Code of West Virginia, 1931, as amended, relating to including substitute teaching in the job duties of certain professional educators employed by county boards of education in certain administrative and supervisory positions.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Beach, Kessler (Mr. President), Plymale, McCabe and Williams:

Senate Bill No. 81—A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to permitting the Monongalia County Commission to levy a special district excise tax for the benefit of the University Towne Center which comprises approximately six hundred contiguous acres of land.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Snyder, Blair and Unger:

Senate Bill No. 82—A Bill to amend and reenact §16-13A-3 of the Code of West Virginia, 1931, as amended, relating to requiring a public service board to have at least one rate-paying residential customer of the public service district on its board membership.

Referred to the Committee on Government Organization.

By Senator Beach:

Senate Bill No. 83—A Bill to amend and reenact §18B-4-5 of the Code of West Virginia, 1931, as amended, relating to higher education; general administration; and residency requirements for persons appointed as campus police officers.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

By Senator Tucker:

Senate Bill No. 84—A Bill to amend and reenact §46A-3-109a of the Code of West Virginia, 1931, as amended, relating to collateral protection insurance.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Sypolt and Barnes:

Senate Bill No. 85—A Bill to amend and reenact §38-2-36 of the Code of West Virginia, 1931, as amended, relating to permitting a person to file a bond in escrow with a court in an amount sufficient to cover a mechanic's lien.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill No. 86—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to making English the official language of West Virginia.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Sypolt and Williams:

Senate Bill No. 87—A Bill to amend and reenact §62-3-3 of the Code of West Virginia, 1931, as amended, relating to changing the number of strikes in jury selection in felony cases to provide four strikes each to the accused and the prosecution.

Referred to the Committee on the Judiciary.

By Senators Green, Miller, Sypolt and McCabe:

Senate Bill No. 88—A Bill to amend and reenact §3-8-2 of the Code of West Virginia, 1931, as amended, relating to regulation and control of elections; and prohibiting fundraising by members of the Legislature during the sixty-day period of the regular session.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Walters and Blair:

Senate Bill No. 89—A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended, relating to the state public health system; proposal of rules by the secretary; and mandating requiring the installation of water-free urinals in public rest areas, institutions and schools.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Miller, Jenkins, Yost, Unger, Fitzsimmons and Beach:

Senate Bill No. 90—A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, relating to making it a felony to drive a vehicle while under the influence of alcohol, controlled substance or other drug and cause serious bodily injury to another person; and establishing penalties for first and subsequent violations of certain provisions.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senator Walters:

Senate Bill No. 91—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1-5b, relating to the creation of a pilot program for middle schools to incorporate the Khan Academy method of teaching mathematics in the classroom.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senator Cann:

Senate Bill No. 92—A Bill to amend and reenact §18C-7-3 of the Code of West Virginia, 1931, as amended, relating to including Salem International University as an eligible institution and

modifying provisions regarding the higher education institutions that are eligible to continue to receive PROMISE scholarship funds.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Cann and Beach:

Senate Bill No. 93—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2F-1a; and to amend and reenact §16-2F-2, §16-2F-3, §16-2F-4, §16-2F-5, §16-2F-6, §16-2F-8 and §16-2F-9 of said code, all relating to parental notification requirements for abortions performed on unemancipated minors; providing that the circuit and family court have concurrent jurisdiction; providing that a physician may only perform a nonmedical emergency abortion if there is proof the woman is over eighteen, a court has issued an order authorizing the abortion or has parental consent if she is an unemancipated minor; requiring records be kept; requiring an affidavit be executed; requiring parental notification; setting forth specifics of the notice; defining terms; providing for a waiver; requiring notice to minors of a right to petition the court; allowing for appeal by the unemancipated minor to circuit court if matter is initially heard in family court; specifying that certain orders are not appealable; mandating that the Supreme Court of Appeals make available a form petition for the use of unemancipated minors seeking relief; requiring physicians to file reports to the Department of Health and Human Resources; setting forth what those reports are to contain; providing remedies; specifying when notice is not required; providing that court proceedings are confidential; providing civil and criminal penalties; authorizing rulemaking; and providing for severability.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Cann:

Senate Bill No. 94—A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to providing salary increases for mathematics and science teachers in grades seven through twelve; providing a salary increase for reading specialists; and requiring those individuals to hold full state certification to teach those subjects.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Cann, Plymale and Williams:

Senate Bill No. 95—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13H-1 and §11-13H-2, all relating to providing a business and occupation tax credit to electric power generators for use of coal mined in West Virginia by small mining operations.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on Finance.

By Senators Cann and Williams:

Senate Bill No. 96—A Bill to amend and reenact §5-10-15 of the Code of West Virginia, 1931, as amended, relating to adding veterans of the conflicts in Granada, El Salvador, Somalia, Afghanistan, Iraq and the Panama Canal to those veterans who are eligible for military service credit for public employees retirement benefit purposes; defining terms; and modifying the definition of a term.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senator Cann:

Senate Bill No. 97—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-

21-10b, relating to personal income tax; and enacting the College Graduate Tax Credit.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Cann, Stollings, McCabe, Williams and Green:

Senate Bill No. 98—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-11C-1, §18B-11C-2, §18B-11C-3, §18B-11C-4 and §18B-11C-5, all relating to the creation of the Shale Research, Education, Policy and Economic Development Center at West Virginia University.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senator Cann:

Senate Bill No. 99—A Bill to amend and reenact §11-3-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting increases in the assessed value of real property located in counties where a maximum excess levy is in effect, the property has not changed in tax classification and the increased value is more than two percent over the assessed value of the same property for the previous year.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Laird, Miller and Williams:

Senate Bill No. 100—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-14-16a; to amend said code by adding thereto a new section, designated §8-14-3a; and to amend and reenact §15-2-10 of said code, all relating to requiring law-enforcement officers to wear certain armored vests when feasible; requiring county sheriffs to

create a policy regarding the mandatory use of certain armored vests; requiring municipal police chiefs to create a policy regarding the mandatory use of certain armored vests; and requiring the Superintendent of the West Virginia State Police to create a policy regarding the mandatory use of certain armored vests.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators McCabe, Cann, Miller, Jenkins and Barnes:

Senate Bill No. 101—A Bill to amend and reenact §16-5C-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that actions brought for damages for injuries suffered in a nursing home are subject to the same liability limitations as other medical professional liability actions.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senators Snyder and Plymale:

Senate Bill No. 102—A Bill to amend and reenact §24-2-2 of the Code of West Virginia, 1931, as amended, relating generally to the power of the Public Service Commission to regulate public utilities; and authorizing the Public Service Commission to promulgate rules establishing requirements for capacity improvement fees.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Snyder, Miller and Beach:

Senate Bill No. 103—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-18A-1, §29-18A-2, §29-18A-3, §29-18A-4 and §29-18A-5, all relating to creating the West Virginia Commuter Rail Access Act; definitions; agreement with other states requirement; verifications; and authorizing a tax credit to the railroad in lieu of payment of track access fees commencing July 1, 2014.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Laird, Stollings, Kessler (Mr. President), Miller and Fitzsimmons:

Senate Bill No. 104—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to creating a West Virginia personal income tax modification reducing federal adjusted gross income for persons who choose to spay or neuter their pets.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

By Senators Tucker, Fitzsimmons, Williams and Beach:

Senate Bill No. 105—A Bill to amend and reenact §48-22-501 of the Code of West Virginia, 1931, as amended, relating to waiving the filing fee upon the filing of a petition for adoption in cases in which the Department of Health and Human Resources is the payor for attorney fees of the petitioner.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators McCabe, Miller, Cann, Jenkins, Laird, Stollings and Beach:

Senate Bill No. 106—A Bill to amend and reenact §16-5P-15 of the Code of West Virginia, 1931, as amended, relating to senior services; the in-home care registry; eliminating the requirement of a rule-established fee schedule; and permitting the Bureau of Senior Services to determine whether an applicant needs to obtain a state or federal criminal background check.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Laird and Miller:

Senate Bill No. 107—A Bill to amend and reenact §29A-5-1 of the Code of West Virginia, 1931, as amended, relating to providing that hearing examiners conducting state agency administrative hearings be selected from a panel of five hearing examiners by a process in which the state agency first strikes two hearing examiners and the respondent subsequently strikes two hearing examiners.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Laird, Stollings, Jenkins, Plymale and Miller:

Senate Bill No. 108—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-12A-1, §61-12A-2, §61-12A-3, §61-12A-4, §61-12A-5 and §61-12A-6, all relating to the creation of the Unintentional Pharmaceutical Drug Overdose Fatality Review Team under the Office of the Chief Medical Examiner; setting forth legislative findings; setting forth membership of the team and terms of office; setting forth responsibilities of the team; providing for certain actions the team may not take in exercising its duties; providing for an annual report to the Governor and Legislature and its contents; providing for confidentiality of the team's proceedings, records and opinions; setting forth record-keeping requirements; authorizing access to certain records; requiring other state and local agencies to cooperate with the team; and granting rule-making authority.

Referred to the Committee on Health and Human Resources; and then to the Committee on Government Organization.

By Senators Beach and Williams:

Senate Bill No. 109—A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to increasing the number of magistrates in Monongalia County by two.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Palumbo, Jenkins and McCabe:

Senate Bill No. 110—A Bill to amend and reenact §11-1C-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-3-1 of said code, all relating to limiting the amount a property reappraisal can increase over the previous amount; and clarifying that the limitation does not apply to natural resources property.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Unger, Jenkins, Laird and McCabe:

Senate Bill No. 111—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-36a; and to amend said code by adding thereto a new section, designated §18-20-1e, all relating to defining “dyslexia”; establishing a dyslexia screening and intervention pilot project; and establishing a dyslexia teacher training pilot program.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Laird, Miller and Beach:

Senate Bill No. 112—A Bill to repeal §17B-3-3c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §17B-3-14; and to amend and reenact §17B-4-3 of said code, all relating to the suspension or revocation of driver’s licenses; making legislative findings; establishing a driver’s license restoration program; waiving certain reinstatement requirements to restore driving privileges; reducing the period for suspension upon receipt of notice of driving while suspended for nondriving under the influence offenses; and granting rule-making authority.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senators M. Hall, Jenkins, Barnes, Blair and Carmichael:

Senate Bill No. 113—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §55A-1-1, §55A-1-2, §55A-1-3, §55A-1-4, §55A-2-1, §55A-2-2, §55A-2-3, §55A-2-4, §55A-2-5, §55A-2-6, §55A-2-7, §55A-2-8, §55A-2-9, §55A-3-1, §55A-3-2, §55A-4-1, §55A-4-2, §55A-4-3, §55A-4-4, §55A-4-5, §55A-4-6, §55A-5-1, §55A-5-2, §55A-5-3, §55A-5-4, §55A-5-5, §55A-5-6, §55A-5-7, §55A-5-8, §55A-6-1, §55A-6-2, §55A-6-3, §55A-6-4, §55A-6-5, §55A-7-1, §55A-7-2, §55A-7-3, §55A-7-4, §55A-7-5, §55A-7-6, §55A-7-7, §55A-7-8, §55A-8-1, §55A-8-2, §55A-9-1, §55A-9-2, §55A-10-1, §55A-10-2, §55A-10-3, §55A-11-1, §55A-11-2, §55A-11-3, §55A-11-4, §55A-11-5, §55A-11-6, §55A-11-7, §55A-11-8, §55A-11-9, §55A-11-10, §55A-11-11, §55A-11-12, §55A-12-1, §55A-12-2, §55A-12-3, §55A-12-4, §55A-12-5 and §55A-12-6, all relating to reforming the civil justice system; limiting the amount of recoverable damages; authorizing a new court to be known as the Intermediate Court of Appeals; requiring the court to be operational by January 1, 2015; establishing northern and southern districts; providing three judges for each district; providing a short title; stating legislative findings; excepting certain actions; defining terms; establishing qualifications for judges; establishing jurisdiction of the court; providing for review; providing that Supreme Court will either keep the appeal or transfer it to the Intermediate Court; providing that appeals in certain administrative cases are discretionary; authorizing appeals from Intermediate Court to the Supreme Court; authorizing Governor to make initial appointments by July 1, 2014; creating staggered terms; providing for elections for ten-year terms after initial appointments; authorizing a Chief Judge of the Intermediate Court; authorizing staff for the court and the judges; providing for compensation and expenses of judges and staff; providing for temporary assignment of circuit court judges; authorizing the Supreme Court to provide the facilities, furniture,

fixtures and equipment for the Intermediate Court; establishing precedential effect of Intermediate Court orders and decisions; providing that the budget of the Intermediate Court will be part of the Supreme Court budget; prohibiting medical monitoring relief absent manifest present injury or disease caused by a defendant; providing for venue reform; relating to the application of the doctrine of *forum non conveniens* when civil actions have both a resident and nonresident plaintiff; providing for parties to make a motion that a case would more properly be heard in a forum outside this state; providing for statute of limitations expiring in the alternative forum while the claim is pending in this state; providing for proper dismissal of an action for *forum non conveniens* purposes; providing for application to class representatives; requiring courts granting motions to stay or dismissal actions for *forum non conveniens* purposes to set forth specific findings of fact and conclusions of law; providing standards to determine the competency of expert witnesses; providing standards for opinion testimony by lay witnesses; providing standards of admission for expert witness testimony; requiring a basis for expert witness testimony; barring certain types of expert witness testimony; mandating pretrial hearings and disclosures of expert testimony; providing for the interpretation of the competency of expert witnesses; establishing a standard of review; establishing when punitive damages may be recovered; providing maximum amounts which may be awarded on multiple punitive damages awards for the same course of conduct; providing for the bifurcation of a civil action in which punitive damages are sought when requested by a defendant; stating the conditions under which punitive damages may be assessed against a principal or employer for an act of an agent or employee and against an association, limited liability entity or partnership for the acts of a member or partner; predicating actions for damages upon principles of comparative fault; establishing the comparative fault standard; abolishing joint liability and implementing several liability; establishing how to consider the fault of nonparties; establishing how to consider the fault of, and the amounts paid by, settling parties; providing for the use of special interrogatories;

clarifying fault may be imputed to another person who was acting as an agent or servant of another; allowing the assessment of a percentage of fault for failing to take reasonable precautionary measures that were available; precluding the allocation of fault to a person such as a seller, distributor or installer on a strict product liability theory where that person did not contribute to the alleged defect; providing for the burden of proof and limitations; providing for immunity of premises owners from civil liability in certain circumstances; reducing damage awards by collateral source payments; providing how damage reductions shall be determined; stating the effects of such determinations upon the trial; providing a “losers pay” provision; providing a statute of repose; establishing a general eighteen-year warranty for products’ liability actions and an exception for cases where there is an express warranty for more than eighteen years; providing that noneconomic damages are recoverable in actions where damages were authorized at the time this bill became law; providing maximum amounts that may be recovered for noneconomic losses based on physical injury and nonphysical injury; providing for costs by a nonprevailing party; establishing a procedure for recovery of attorney’s fees; providing courts may take judicial notice of the usual and customary attorney’s fees; providing for the liability of attorneys; providing for the applicability of other law; requiring the West Virginia Supreme Court adopt rules to implement this chapter; providing for repeal of conflicting laws; providing for applicability and severability of this chapter; clarifying no additional cause of action is created by this chapter; and providing this chapter becomes effective immediately upon passage by the Legislature and approval by the Governor.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Miller:

Senate Bill No. 114—A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to requirements for employment of nurses in public schools; changing the student-

school nurse staffing ratio; expanding its coverage to all grades; and eliminating a county's ability to obtain contract services for nursing.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senator Stollings:

Senate Bill No. 115—A Bill to amend and reenact §19-23-2, §19-23-4, §19-23-6, §19-23-9, §19-23-10, §19-23-12a, §19-23-12b, §19-23-12c, §19-23-13b and §19-23-13c of the Code of West Virginia, 1931, as amended, all relating to horse and dog racing generally; requiring licensees to provide preferential treatment to certain trainers; setting forth the criteria for receiving preferential treatment; increasing the size of the West Virginia Racing Commission by two members; setting forth qualifications; authorizing the commission to adjudicate certain disputes; authorizing the commission to approve or reject certain racing associations' house rules; authorizing the commission to regulate stall allocation criteria; requiring thoroughbred licensees to pay three percent of paid purses to the local Horseman's Benevolent and Protective Association; requiring greyhound licensees to pay one percent of paid purses to the local West Virginia Greyhound Owners and Breeders Association; granting all greyhound owners and breeders of certain greyhounds full voting membership in the West Virginia Greyhound Owners and Breeders Association; requiring dog racing associations to provide certain indoor facilities and handicap access at racetracks; requiring ninety percent of the deposits into the Greyhound Breeding Development Fund each year be used to fund supplemental purse awards, stakes races and training track facilities; requiring ten percent of the deposits into the Greyhound Breeding Development Fund each year be used to fund greyhound adoption programs, including spaying and neutering; requiring the commission to provide accounting statements to greyhound owners; requiring the West Virginia Lottery Commission to assist the Racing Commission in providing a detailed statement

of racetrack video lottery distributions into the West Virginia Greyhound Breeding Development Fund; setting forth the contents of those statements; providing that any year-end balance in the Greyhound Breeding Development Fund be distributed to owners and breeders of West Virginia whelped greyhounds on a pro rata basis; requiring a monthly minimum of \$22,000 be taken from the West Virginia Greyhound Breeding Development Fund to fund stake races; establishing the values of certain open stake races and juvenile stake races for greyhounds; providing that up to three percent of payment applications deposited in the West Virginia Greyhound Breeding Development Fund be used for greyhound programs; permitting a representative of a majority of the owners and breeders at the dog racetrack to contract with legal wagering entities to accept wagers on races; requiring dog racetrack licensees pay six percent of the net simulcast income to the West Virginia Greyhound Breeding Development Fund; requiring the dog racing association to deposit three percent of the total wagering handle on all imported simulcast race signals into track purse accounts; requiring dog racetracks to pay seven and one-half percent of the signal transmission fee into the West Virginia Greyhound Breeding Development Fund; permitting the full year-end balance in breeders/raisers, sire owners and purse supplement funds to revert into the Thoroughbred Development Fund for distribution to racing associations and licensees instead of first being used to fund certain races; providing for additional horse races; providing that certain horse racing wins will not be considered for certain open races eligibility; authorizing an annual \$400,000 expenditure from the West Virginia Racing Commission Racetrack Video Lottery Account be used for purses in a newly created West Virginia Greyhound Challenge Stakes Race; decreasing the amount of certain funds available for capital improvements at dog racetracks; decreasing the amount of certain funds paid into the West Virginia Racing Commission-Special Account-West Virginia Greyhound Breeding Development Fund; using certain funds to fund the West Virginia Greyhound Challenge Stakes Race; decreasing the amount of certain funds available for capital improvements at

horse racetracks; requiring certain funds be deposited into the West Virginia Racing Commission Special Account-Unredeemed Pari-Mutuel Tickets; authorizing rulemaking; and updating language.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Jenkins and McCabe:

Senate Bill No. 116—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-59, relating to crimes against property involving graffiti; defining offenses and a term; establishing misdemeanor and felony criminal penalties; providing for mandatory court-approved community service; permitting court-ordered restitution; providing for suspension of driver's license in certain circumstances; providing that if an offender does not have a driver's license that person may be temporarily prohibited from applying for one; providing that affected property owners may institute a civil action to recover damages in an amount up to three times the loss or the cost of restoration, attorneys' fees and costs; and providing that civil liability is not precluded by criminal penalties.

Referred to the Committee on the Judiciary.

By Senator Jenkins:

Senate Bill No. 117—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-11a, relating to creating a criminal offense of possession of burglar's tools; and establishing penalties.

Referred to the Committee on the Judiciary.

By Senators Jenkins, Fitzsimmons, McCabe and Williams:

Senate Bill No. 118—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to issue a special I Support Veterans license plate; and establishing fees.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senator Miller:

Senate Bill No. 119—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-3-8a, relating to permitting a surface owner to have the right of first refusal to purchase a mineral estate beneath the surface when the mineral owner offers the mineral estate for sale.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

By Senators Miller and Laird:

Senate Bill No. 120—A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to issuance of a barrister's certificate to teach course-specific curricula in West Virginia public schools.

Referred to the Committee on Education.

By Senator Miller:

Senate Bill No. 121—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-9A-4, relating to the funding of civil legal services to low-income persons.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Miller and McCabe:

Senate Bill No. 122—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6, §5B-2I-7, §5B-2I-8, §5B-2I-9, §5B-2I-10, §5B-2I-11 and §5B-2I-12, all relating to the Creative Communities Development Pilot Program; providing legislative findings and intent; creating the Creative

Communities Development Fund; establishing the Creative Communities Development Board; providing requirements for applications for the use of matching funds from the Creative Communities Development Fund; providing for review of applications by the West Virginia Development Office; establishing that the Creative Communities Development Board shall have the authority to approve matching grants from Creative Communities Development Fund; establishing matching requirements from applicants; establishing eligible expenditures; defining parameters of agreement between West Virginia Development Office and a community for use of grant funds; providing for a review and audit of expenditures by West Virginia Development Office; and providing for review of Creative Communities Development Pilot Program.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

By Senators Miller and Beach:

Senate Bill No. 123—A Bill to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended, relating to the use of low-speed vehicles in municipalities; and authorizing municipalities to allow the operation of low-speed vehicles on roads in municipalities where the speed limit is not more than thirty-five miles per hour.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senators Miller, Laird, Fitzsimmons and Walters:

Senate Bill No. 124—A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-6-2 of said code, all relating to the compensation and expenses for attorneys appointed by circuit courts in child abuse and neglect proceedings.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Beach, Prezioso, Kessler (Mr. President), Unger, Sypolt, Snyder, Yost, Stollings, Williams, Edgell, Miller, Kirkendoll, Plymale and McCabe:

Senate Bill No. 125—A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to permitting the Monongalia County Commission to levy a special district excise tax.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Unger, Kessler (Mr. President), Miller, Williams, Boley and Beach:

Senate Bill No. 126—A Bill to amend and reenact §15-2-3 and §15-2-5 of the Code of West Virginia, 1931, as amended, all relating to maintaining a minimum of eight hundred state troopers by July 1, 2017; and requiring members of the West Virginia State Police to receive a \$580 salary increase at the beginning of their first year of service.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Unger, Williams and Beach:

Senate Bill No. 127—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-9a, relating to requiring the Public Service Commission to analyze and annually report to the Legislature on the availability of broadband markets in the state; and setting forth what the reports must contain.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.

By Senators Unger and Beach:

Senate Bill No. 128—A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing an additional circuit court judge for the twenty-third judicial circuit consisting of Berkeley, Jefferson and Morgan counties.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Palumbo, McCabe, Beach and Green:

Senate Bill No. 129—A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended, relating to making the offense of failure to wear safety belts a primary offense; and modifying fines.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senators Unger and Fitzsimmons:

Senate Bill No. 130—A Bill to amend and reenact §3-2-6 of the Code of West Virginia, 1931, as amended, relating to lengthening the period for voter registration; permitting registration during early voting at the county clerk's office; permitting persons to register and vote on the same day during the early voting period; and prohibiting persons from changing party affiliation during the early voting period preceding a primary election.

Referred to the Committee on the Judiciary.

By Senators Unger and Williams:

Senate Bill No. 131—A Bill to amend and reenact §15-1B-26 of the Code of West Virginia, 1931, as amended, relating to retaining current West Virginia National Guard firefighters; and allowing certain National Guard firefighters to become civilian firefighters with the West Virginia National Guard.

Referred to the Committee on Military; and then to the Committee on Finance.

By Senators Unger, Barnes, Kessler (Mr. President) and Williams:

Senate Bill No. 132—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to compensation of State Police for off-duty time when they are required to be on standby to be called back to work; and providing a stipend for housing cost for officers who reside in and are assigned to the top five counties according to median monthly housing cost.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Yost, Unger and Fitzsimmons:

Senate Bill No. 133—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting all military, National Guard and reserve income from state income taxes.

Referred to the Committee on Military; and then to the Committee on Finance.

By Senators Yost, Unger, Fitzsimmons and Miller:

Senate Bill No. 134—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-19a, relating to providing a fifty-percent discount to members of the West Virginia National Guard and the West Virginia National Guard Reserve in campground rental fees in state parks.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

By Senator Yost:

Senate Bill No. 135—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-29, relating to the creation of an Equal Pay Coordinator within the Division of Personnel to ensure pay equity among state employees; making legislative findings; providing qualifications for the position; providing powers and duties of coordinator; providing for the development of a strategic plan to ensure pay equity in state government; authorizing other agencies to share necessary information with the coordinator; and providing rule-making authority.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senator Yost:

Senate Bill No. 136—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to the appointment and salary of the Executive Director of the Women's Commission.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Yost and Fitzsimmons:

Senate Bill No. 137—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-5a; to amend and reenact §15-2-10 of said code; to amend said code by adding thereto a new section, designated §18-2-23b; and to amend and reenact §18B-5-4 of said code, all relating to requiring all uniforms purchased by the state to be used or worn by employees of the state, including State Police officers, State Board of Education employees and employees of state institutions of higher education, to be manufactured in the United States; and providing an effective date.

Referred to the Committee on Labor; and then to the Committee on Finance.

By Senator Yost:

Senate Bill No. 138—A Bill to amend and reenact §11A-1-9 of the Code of West Virginia, 1931, as amended, relating to a coowner of real property becoming sole owner when he or she pays all of the property taxes on the real property for a minimum of five years.

Referred to the Committee on the Judiciary.

By Senator Yost:

Senate Bill No. 139—A Bill to amend and reenact §61-3-51 of the Code of West Virginia, 1931, as amended, relating to requiring sellers of precious metals and gems to provide photo identification to dealers; requiring the dealers to submit information on precious metal transactions to the State Police; requiring the State Police to create a database of the transactions that is accessible to all law-enforcement agencies; and establishing criminal penalties.

Referred to the Committee on the Judiciary.

By Senators Yost and Fitzsimmons:

Senate Bill No. 140—A Bill to amend and reenact §20-2-42c of the Code of West Virginia, 1931, as amended, relating to allowing members of the West Virginia National Guard or its reserves to obtain free hunting and fishing licenses while serving in the West Virginia National Guard or its reserves and upon full retirement licenses for life.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

By Senators Unger and Kessler (Mr. President):

Senate Bill No. 141—A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to redistributing

an existing excise tax paid upon the transfer of real property so that the tax is paid to the county where the property is situate instead of to the state; requiring counties to dedicate this excise tax to support regional jails and substance abuse programs; providing this be accomplished incrementally over a five-year period; and making stylistic changes.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Walters, Blair and Carmichael:

Senate Bill No. 142—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3pp; to amend and reenact §8-12-5 of said code; and to amend and reenact §17-2A-8 of said code, all relating to authorizing the construction of improvements of streets, alleys, sidewalks, roads and highways by private investors in the state, counties and municipalities; permitting advertising by the private investors of the improvements; providing that the rates for the advertisements are to be determined by the Commissioner of Highways, the county commission and the municipality, respectively, for the various improvements; and requiring that money received from advertising sponsorship by private investors for improvements of state roads and highways be deposited in the State Road Fund.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senator Sypolt:

Senate Joint Resolution No. 1—Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof by adding thereto a new section, designated section twenty-three, relating to the marriage protection amendment; prohibiting the state from recognizing same-sex marriages; prohibiting the state from recognizing a legal status for relationships that are similar to marriage; numbering and designating such proposed amendment;

and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Sypolt, Blair, Jenkins and Unger:

Senate Joint Resolution No. 2—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Sypolt and Blair:

Senate Joint Resolution No. 3—Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article VI thereof; amending section two, article XIV thereof; and amending said Constitution by adding thereto a new article, designated article XV, all relating to the legislative powers held by the people of the state and the Legislature; power of the registered voters and power of the Legislature to propose amendments to this Constitution; reservation by and to the people and registered voters of this state the powers of initiative, referendum and recall at all levels of government in this state; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Sypolt:

Senate Joint Resolution No. 4—Proposing an amendment to the Constitution of the State of West Virginia, amending section

fourteen, article VII thereof, relating to creating a veto session of the Legislature to consider bills vetoed by the Governor; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

Senators Unger, Kessler (Mr. President), Jenkins, Laird, Edgell, Stollings, Kirkendoll, Miller, McCabe and Beach offered the following resolution:

Senate Resolution No. 6—Creating a Select Committee on Children and Poverty for the eighty-first Legislature.

Resolved by the Senate:

That for a period of time not to exceed the term of the eighty-first Legislature there is hereby created a Senate Select Committee on Children and Poverty. This committee shall consist of the following eleven members: The Chairman of the Committee on Finance; Chairman of the Committee on the Judiciary; Chairman of the Committee on Health and Human Resources; Chairman of the Committee on Education; and seven members to be appointed by the President; and, be it

Further Resolved, That, notwithstanding the provisions of any Senate rule to the contrary, this committee shall have jurisdiction of legislative proposals regarding children and poverty and related issues as the President may deem appropriate: *Provided*, That reference of a bill to the Select Committee on Children and Poverty does not preclude a standing committee of the Senate from consideration of legislation addressing the same subject within its jurisdiction. The rules of the Senate governing standing committees shall govern the actions and proceedings of this committee insofar as applicable; and, be it

Further Resolved, That the Senate hereby authorizes the Select Committee on Children and Poverty to meet and be paid during the interim meetings scheduled for the eighty-first Legislature; and, be it

Further Resolved, That the Select Committee on Children and Poverty meet at other times and locations to be determined by the chairman, subject to the approval of the President of the Senate; and, be it

Further Resolved, That the members and staff of the Select Committee on Children and Poverty are hereby authorized to receive payment of travel expenses.

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

Senators Stollings, Laird, Jenkins, Snyder, Miller, D. Hall, Sypolt, Kirkendoll, McCabe, Beach and Williams offered the following resolution:

Senate Resolution No. 7—Designating February 13, 2013, as “West Virginia Nurses Unity Day”.

Whereas, One in forty-three West Virginians is a nurse; and

Whereas, Nurses make a significant contribution of time, energy, heart and care toward the healing of our residents who are ill and suffering; and

Whereas, Nurses are powerful advocates for the health and well-being of all West Virginians, providing education, screening, nursing intervention, evaluation and research to improve the health of West Virginia residents throughout the life span from pre-birth to the end of life; and

Whereas, Nurses meet the health needs of West Virginians not only in hospitals and long-term care facilities, but conveniently in their homes, at school, at work, at church, in community health centers, on the phone and on the internet; and

Whereas, The Institute of Medicine recognizes nurses as key to solving our current rising cost of chronic illness through their expanding leadership as coordinators and collaborators of interdisciplinary health care teams; and

Whereas, The expanding roles of Advanced Practice Registered Nurses as Nurse Anesthetists, Nurse Midwives and Certified Nurse Practitioners in a variety of specialties provide improved cost-effective access to health services in our rural state; and

Whereas, The American public has voted to acknowledge nurses as the most trusted professionals for twelve years; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 13, 2013, as “West Virginia Nurses Unity Day”; and, be it

Further Resolved, That we hereby recognize and applaud the outstanding contributions made by all of our West Virginia nurses to the health, welfare and safety of our state and all of its citizens; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of West Virginia Nurses Unity Day.

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

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

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

Petitions

Senator Kessler (Mr. President) presented a petition from Marilyn Carter and numerous West Virginia residents, supporting grandparent visitation rights.

Referred to the Committee on the Judiciary.

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

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 3—Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.

Whereas, His Excellency, the Governor, has advised that he will be pleased to address a Joint Assembly of the Senate and House of Delegates at the convenience of the two houses; therefore, be it

Resolved by the Legislature of West Virginia:

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 7:00 o'clock postmeridian this day; and, be it

Further Resolved, That the President of the Senate and the Speaker of the House of Delegates appoint three members of each of the respective houses of the Legislature as a committee to wait upon His Excellency, the Governor, and escort him into the Hall of the House of Delegates at the time herein appointed for hearing the address.

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

Delegates Campbell, Marcum and Westfall.

At the request of Senator Unger, and by unanimous consent, the message was taken up for immediate consideration and reference of the resolution to a committee dispensed with.

The question being on the adoption of the resolution, the same was put and prevailed.

Whereupon, the President appointed as Senate members of such committee, authorized by the foregoing resolution, the following:

Senators Unger, Edgell and M. Hall.

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

Senator Kessler (Mr. President) announced appointment of the standing committees of the Senate for this eighty-first Legislature, and at the request of Senator Unger, and by unanimous consent, the complete list was ordered printed in the Journal as follows:

**STANDING COMMITTEES OF THE SENATE
2013**

AGRICULTURE AND RURAL DEVELOPMENT

Senators Miller (*Chair*), Williams (*Vice Chair*), Beach, Cann, Cookman, D. Hall, Laird, Tucker, Carmichael, Nohe and Sypolt.

BANKING AND INSURANCE

Senators Tucker (*Chair*), Fitzsimmons (*Vice Chair*), Chafin, Facemire, Green, D. Hall, Jenkins, McCabe, Palumbo, Prezioso, M. Hall, Nohe and Walters.

CONFIRMATIONS

Senators Green (*Chair*), Facemire (*Vice Chair*), Chafin, Miller, Plymale, Snyder, Yost, Cole and Sypolt.

ECONOMIC DEVELOPMENT

Senators Williams (*Chair*), Cann (*Vice Chair*), Beach, Cookman, Kirkendoll, McCabe, Prezioso, Snyder, Stollings, Wells, Barnes, Blair, Sypolt and Walters.

EDUCATION

Senators Plymale (*Chair*), Wells (*Vice Chair*), Beach, Chafin, Edgell, D. Hall, Laird, Stollings, Tucker, Unger, Barnes, Boley, Carmichael and Cole.

ENERGY, INDUSTRY AND MINING

Senators Facemire (*Chair*), Kirkendoll (*Vice Chair*), Beach, Cann, Green, Jenkins, Plymale, Snyder, Stollings, Yost, Barnes, Nohe and Sybolt.

FINANCE

Senators Prezioso (*Chair*), Facemire (*Vice Chair*), Chafin, Edgell, Green, Laird, McCabe, Plymale, Stollings, Unger, Wells, Yost, Barnes, Blair, Boley, M. Hall and Sybolt.

GOVERNMENT ORGANIZATION

Senators Snyder (*Chair*), Miller (*Vice Chair*), Cann, Cookman, Fitzsimmons, Green, Jenkins, Kirkendoll, Williams, Yost, Blair, Boley, Cole and Sybolt.

HEALTH AND HUMAN RESOURCES

Senators Stollings (*Chair*), Jenkins (*Vice Chair*), Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley, M. Hall and Walters.

INTERSTATE COOPERATION

Senators Kirkendoll (*Chair*), Cookman (*Vice Chair*), D. Hall, Palumbo, Wells, Blair and Nohe.

JUDICIARY

Senators Palumbo (*Chair*), Tucker (*Vice Chair*), Beach, Cann, Cookman, Fitzsimmons, D. Hall, Jenkins, Kirkendoll, Miller, Snyder, Unger, Williams, Carmichael, Cole, Nohe and Walters.

LABOR

Senators Yost (*Chair*), D. Hall (*Vice Chair*), Chafin, Facemire, Fitzsimmons, McCabe, Miller, Wells, Barnes, Blair and Walters.

MILITARY

Senators Wells (*Chair*), Yost (*Vice Chair*), Edgell, Fitzsimmons, Jenkins, Laird, Tucker, Boley and Carmichael.

NATURAL RESOURCES

Senators Laird (*Chair*), Edgell (*Vice Chair*), Beach, Cookman, Facemire, Green, McCabe, Prezioso, Snyder, Williams, M. Hall, Nohe and Walters.

PENSIONS

Senators Jenkins (*Chair*), McCabe (*Vice Chair*), Cann, Chafin, Edgell, Carmichael and M. Hall.

RULES

Senators Kessler (*Chair*), Edgell, Palumbo, Plymale, Prezioso, Snyder, Stollings, Unger, Barnes, Boley and M. Hall.

TRANSPORTATION AND INFRASTRUCTURE

Senators Beach (*Chair*), Kirkendoll (*Vice Chair*), Facemire, Fitzsimmons, McCabe, Plymale, Williams, Barnes and Cole.

JOINT COMMITTEES

ENROLLED BILLS

Senators Cookman (*Chair*), Edgell, Fitzsimmons, Palumbo and Cole.

The President then announced the appointment of Senator Unger, of the County of Berkeley, as majority leader of the Senate;

Senator M. Hall, of the County of Putnam, as minority leader of the Senate;

Senator Laird, of the County of Fayette, as majority whip of the Senate;

Senator Barnes, of the County of Randolph, as minority whip of the Senate;

And,

Senator Edgell, of the County of Wetzel, as President *pro Tempore* of the Senate.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate recessed until 6:45 p.m. today.

Upon expiration of the recess, the Senate reconvened.

The hour of 7 p.m. having arrived, that being the time set for the joint assembly to hear the address of His Excellency, the Governor,

the Senate recessed until ten minutes after adjournment of the joint assembly. Members of the Senate then repaired in a body to the hall of the House of Delegates.

(NOTE: For formal procedure in the joint assembly and the address of His Excellency, the Governor, the Honorable Earl Ray Tomblin, see the Journal of the House of Delegates for this day.)

Night Session

The joint assembly having been dissolved, the Senate returned to its chamber and resumed its regular session.

Executive Communications

Senator Kessler (Mr. President) presented the following communication from His Excellency, the Governor, submitting the executive budget and annual budget bill, which was received and read by the Clerk:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

February 13, 2013

Senate Executive Message No. 1

The Honorable Jeffrey V. Kessler
President, West Virginia Senate
State Capitol
Charleston, West Virginia

Dear President Kessler:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2013.

Sincerely,

Earl Ray Tomblin,
Governor.

Subsequently, Senator Kessler (Mr. President) laid before the Senate the aforementioned annual budget bill,

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 143—A Bill making appropriations of public money out of the Treasury in accordance with section fifty-one, article VI of the Constitution.

Which was read by its title and referred to the Committee on Finance.

On motion of Senator Unger, the Senate adjourned until tomorrow, Thursday, February 14, 2013, at 11 a.m.

THURSDAY, FEBRUARY 14, 2013

The Senate met at 11 a.m.

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

Prayer was offered by Chaplain David Goodin, Huttonsville Correctional Center, Huttonsville, West Virginia.

Pending the reading of the Journal of Wednesday, February 13, 2013,

On motion of Senator D. Hall, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Nohe and Jenkins:

Senate Bill No. 144—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-26, relating to creating Haas' Law to honor fallen law-enforcement canines and other canines in the service of state or local governmental agencies.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Unger:

Senate Bill No. 145—A Bill to amend and reenact §3-1-50 of the Code of West Virginia, 1931, as amended, relating to correcting language; and relating to election complaint procedures to conform the language to pertinent federal code.

Referred to the Committee on the Judiciary.

By Senators Unger and Beach:

Senate Bill No. 146—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §50-3-2c, relating to permitting magistrate courts to collect unpaid

costs, fines, forfeitures and penalties it has imposed on a defendant; permitting those unpaid costs, fines, forfeitures and penalties to be deducted from a defendant's income tax refund; creating the Magistrate Fines and Fees Collection Fund; permitting the Tax Commissioner to charge an administrative fee; and providing rule-making authority.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Yost and Fitzsimmons:

Senate Bill No. 147—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempting from taxation motor vehicles owned by members of the armed forces of the United States while serving in a designated war zone.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senator Yost:

Senate Bill No. 148—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-45-1, §16-45-2, §16-45-3, §16-45-4, §16-45-5 and §16-45-6, all relating to creating the Medication Therapy Management Act; and specifying that fees for third-party providers pay for the therapy under this act.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

By Senators Yost and Fitzsimmons:

Senate Bill No. 149—A Bill to amend and reenact §18A-4-8b of the Code of West Virginia, 1931, as amended, relating to county boards of education; temporary reassignment of injured or ill service personnel under specified conditions; compensation and benefits; vacancies and job postings; and expiration of reassignments.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senator Yost:

Senate Bill No. 150—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-11-21; and to amend said code by adding thereto a new section, designated §31-17-21, all relating to requiring residential construction projects to be bonded; setting forth a contractor's responsibilities; and requiring a lender making a loan for residential construction services to be financially responsible for payment to the contractor and any subcontractors who provide those services and to suppliers of materials used in the construction.

Referred to the Committee on Labor; and then to the Committee on the Judiciary.

By Senators Kessler (Mr. President), Cookman, Miller, Fitzsimmons, Yost and Beach:

Senate Bill No. 151—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31D-16-1621, relating to the disclosure of corporate political activities to shareholders, the Secretary of State and the public.

Referred to the Committee on the Judiciary.

By Senators Unger, Laird and Stollings:

Senate Bill No. 152—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-3A-3b; to amend and reenact §60-3A-4 of said code; and to amend said code by adding thereto a new section, designated §60-7-9, all relating to requiring certain employees of licensed private clubs and retail outlets selling alcoholic beverages to take the Techniques for Education and Alcohol Management course, the Training for Intervention Procedures course, alcohol awareness programs provided by the American Hotel and Lodging Association or the

National Restaurant Association or other similar alcohol awareness education courses provided or approved by the Alcohol Beverage Control Commissioner; allowing for the training to be done onsite by a manager or supervisor; and providing legislative rule-making authority.

Referred to the Committee on the Judiciary.

By Senators Yost and Fitzsimmons:

Senate Bill No. 153—A Bill to amend and reenact §48-23-601 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §48-23-602, all relating to compiling and making available nonidentifying social and medical histories of birth parents prior to an adoption.

Referred to the Committee on the Judiciary.

By Senator Yost:

Senate Bill No. 154—A Bill to amend and reenact §29-19-5 of the Code of West Virginia, 1931, as amended, relating to requirements for a charitable organization to submit an audit report or statement of financial review by an independent certified public accountant.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Barnes:

Senate Bill No. 155—A Bill to amend and reenact §18-20-1 and §18-20-5 of the Code of West Virginia, 1931, as amended, all relating to requiring the State Board of Education be responsible for the funding of all special programs for exceptional children; and requiring the State Superintendent to be responsible for the payment for those programs.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senator Barnes:

Senate Bill No. 156—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-15-50, relating to prohibiting vehicles equipped with a hitch from being left with hitch tongues inserted in the hitch when the hitch tongue is not in use.

Referred to the Committee on Transportation and Infrastructure.

By Senator Beach:

Senate Bill No. 157—A Bill to amend and reenact §17B-2-2 of the Code of West Virginia, 1931, as amended, relating to driver's licensing; and providing an exemption from the requirement for a Class D driver's license for certain nonresident drivers.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senators Beach and Stollings:

Senate Bill No. 158—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-4A-1, §17-4A-2 and §17-4A-3, all relating to creation of the Complete Streets Act; adopting a complete streets policy applicable to all streets, roads and highways and other transportation infrastructure facilities under the jurisdiction of the Commissioner of Highways; providing for model complete streets policies for use by counties and municipalities; creating a Complete Streets Advisory Board; and requiring annual reports.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.

By Senators Tucker, Chafin, Nohe, Palumbo, Sybolt and Wells:

Senate Bill No. 159—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,

designated §36-12-1, §36-12-2, §36-12-3, §36-12-4, §36-12-5, §36-12-6, §36-12-7, §36-12-8, §36-12-9, §36-12-10, §36-12-11, §36-12-12, §36-12-13, §36-12-14, §36-12-15, §36-12-16, §36-12-17, §36-12-18 and §36-12-19, all relating to creating the Real Property Transfer on Death Act; authorizing the transfer of real property effective at the time of a transferor's death; providing for applicability and nonexclusivity of this method of transferring real property; providing that a transfer on death deed is revocable and nontestamentary; establishing the capacity of transferor; setting forth requirements; providing that notice, delivery, acceptance and consideration are not required; setting forth the effect of transfer on death deed during a transferor's life; providing disclaimers; providing for liberal construction; providing optional forms; providing for uniformity of application and construction; setting forth the article's relation to Electronic Signatures in Global and National Commerce Act; and defining terms.

Referred to the Committee on the Judiciary.

By Senator Barnes:

Senate Bill No. 160—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-16-1, §62-16-2, §62-16-3, §62-16-4, §62-16-5, §62-16-6 and §62-16-7, all relating to creating the Conditional Early Release Bond Act; permitting the Board of Parole to release an inmate on parole; permitting the board to place conditions on the release of a prisoner including requiring the posting of an early-release bond by cash or surety and certain other discretionary conditions; setting forth the terms of a bond; providing for penalties; providing for the surrender of the parolee; defining terms; and providing for severability.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Yost, Fitzsimmons and Jenkins:

Senate Bill No. 161—A Bill to amend and reenact §20-2-42c of the Code of West Virginia, 1931, as amended, relating to allowing members of the West Virginia National Guard or its reserve to obtain Class C hunting and fishing licenses for a one-time fee while serving in the West Virginia National Guard or its reserve and all veterans of the armed forces with an honorable discharge or full retirement to obtain license for life upon full retirement or honorable discharge.

Referred to the Committee on Natural Resources.

By Senator Carmichael:

Senate Bill No. 162—A Bill to amend and reenact §60A-2-206 and §60A-2-208 of the Code of West Virginia, 1931, as amended, all relating to reclassifying hydrocodone from a Schedule III controlled substance to a Schedule II controlled substance.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senators Carmichael and Unger:

Senate Bill No. 163—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to permitting two municipalities in each county to participate in the home rule pilot program.

Referred to the Committee on Government Organization.

Senators Laird, Miller, Unger, Yost, Fitzsimmons, Prezioso, Stollings, D. Hall, Jenkins, Beach and Palumbo offered the following resolution:

Senate Resolution No. 8—Designating February 14, 2013, as “Corrections Day”.

Whereas, The West Virginia Division of Corrections, the Regional Jail Authority and the Division of Juvenile Services are committed to enhance public safety by providing safe, secure and humane facilities, operating an effective system of offender re-entry and community supervision, reducing offender recidivism and assisting victims of crime; and

Whereas, The West Virginia Division of Corrections, the Regional Jail Authority and the Division of Juvenile Services are further committed to providing effective beneficial services that promote positive development and accountability while preserving community safety and sustaining a work environment predicated upon principles of professionalism, with dignity and respect for all; and

Whereas, It is the vision of these agencies to be recognized as innovative leaders in providing quality correctional services; and

Whereas, The adult and juvenile correctional population continues to expand and it is important for agency representatives and policymakers to appreciate the nature and magnitude of the growth; and

Whereas, Previous information provided to this body should assist public officials and agency representatives in planning for the future and developing policies for the management of the West Virginia correctional population, both adult and juvenile, as well as providing adequate pay, benefits and a safe secure workplace for the employees in the correctional system; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 14, 2013, as “Corrections Day”; and, be it

Further Resolved, That the Senate hereby recognizes the exceptional service and commitment of the employees of the

Division of Corrections, the Regional Jail Authority and the Division of Juvenile Services; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials of the Division of Corrections, the Regional Jail Authority and the Division of Juvenile Services.

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

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

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

Senators Sypolt, Williams, Fitzsimmons, Yost, Prezioso, Miller, D. Hall, Jenkins, Stollings, Beach and Palumbo offered the following resolution:

Senate Resolution No. 9—Honoring Mineral County natives, the late Sergeant Jonah Edward Kelley and the late Sergeant William Edward Shuck, Jr., recipients of the Congressional Medal of Honor.

Whereas, Sergeant Jonah Edward Kelley served his country during World War II, leading his company, the 311th Infantry Regiment, 78th “Lightning” Division, in Kesternich, Germany, in 1945, through fierce mortar and firearm attacks on barricaded homes, and although wounded, refused to withdraw to seek medical attention; and

Whereas, Sergeant Jonah Edward Kelley cleared the way for his men by making multiple enemy kills, while at the same time taking continuous enemy fire to his body, ultimately succumbing to his wounds; and

Whereas, Sergeant William Edward Shuck, Jr., served his country during the Korean War as machine gun squad leader in the 7th Marines, 1st Division, where he was evacuating casualties during an assault against an enemy position and was killed by sniper fire; and

Whereas, For making the ultimate sacrifice for their country, both Sergeant Jonah Edward Kelley and the late Sergeant William Edward Shuck, Jr., were posthumously awarded the Congressional Medal of Honor, which is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the armed services of the United States; and

Whereas, It is fitting and proper, on Mineral County Day at the Capitol, that the Senate honor the memory and service of these two Mineral County men for their courageous service to their country; therefore, be it

Resolved by the Senate:

That the Senate hereby honors Mineral County natives, the late Sergeant Jonah Edward Kelley and the late Sergeant William Edward Shuck, Jr., recipients of the Congressional Medal of Honor; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of the Mineral County delegation.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Sypolt.

The Senate next proceeded to the thirteenth order of business.

Senator Kessler (Mr. President) announced appointment of the Select Committee on Children and Poverty for this eighty-first Legislature, and at the request of Senator Unger, and by unanimous consent, the list was ordered printed in the Journal as follows:

Senators Unger (*Chair*), Edgell (*Vice Chair*), Cookman, Laird, Miller, Palumbo, Plymale, Prezioso, Stollings, Barnes and M. Hall.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Friday, February 15, 2013, at 11 a.m.

FRIDAY, FEBRUARY 15, 2013

The Senate met at 11 a.m.

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

Prayer was offered by Dr. D. W. Cummings, Senior Pastor, Bethlehem Apostolic Temple, Wheeling, West Virginia.

Pending the reading of the Journal of Thursday, February 14, 2013,

On motion of Senator Carmichael, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 74, Replacing “other infamous offense” term relating to jury service disqualification.

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

Com. Sub. for Senate Bill No. 74 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §52-1-5a and §52-1-8 of the Code of West Virginia, 1931, as amended, all relating to redefining the basis for disqualification of prospective jurors to include those who have been convicted of any crime punishable by imprisonment in excess of one year, perjury or false swearing.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 116, Relating to crimes against property involving graffiti.

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

Com. Sub. for Senate Bill No. 116 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-59, relating to crimes against property involving graffiti; defining offense and terms; allowing for aggregation of valuations for penalty purposes; and establishing penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senator Yost:

Senate Bill No. 164—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-6A-1, §29-6A-2, §29-6A-3, §29-6A-4, §29-6A-5, §29-6A-6, §29-6A-7, §29-6A-8, §29-6A-9, §29-6A-10, §29-6A-11, §29-6A-12, §29-6A-13, §29-6A-14, §29-6A-15, §29-6A-16, §29-6A-17, §29-6A-18, §29-6A-19, §29-6A-20, §29-6A-21, §29-6A-22, §29-6A-23, §29-6A-24, §29-6A-25 and §29-6A-26, all relating to promoting orderly and constructive employment relations between the state and its employees; increasing the efficiency of the state; ensuring the health and safety of the citizens of this state; requiring the state to recognize, negotiate and bargain with employee organizations representing state employees and to enter into written agreements evidencing the result of bargaining; and encouraging labor peace

through the establishment of standards and procedures which protect the rights of the state, the state's employees and the citizens of this state.

Referred to the Committee on Labor; and then to the Committee on Government Organization.

By Senators Kessler (Mr. President) and Unger:

Senate Bill No. 165—A Bill to amend and reenact §62-12-7 of the Code of West Virginia, 1931, as amended, relating to requiring probation officers in preparing a presentence report to calculate and identify the financial costs to the county and the state of the different forms of sentencing available to the court.

Referred to the Committee on the Judiciary.

By Senators Kessler (Mr. President), Unger, Stollings, Jenkins, Miller and Laird:

Senate Bill No. 166—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4, §11-13DD-5, §11-13DD-6, §11-13DD-7, §11-13DD-8 and §11-13DD-9, all relating to establishing a tax credit for certain physicians who provide certain physician's services at no charge to certain free health facilities in West Virginia; setting forth findings; specifying definitions; authorizing credit; specifying the amount of tax credit; specifying how credit may be asserted; specifying no credit carryovers; specifying forms and schedules to be established by the Tax Commissioner; specifying \$10,000 maximum credit per taxpayer per tax year; disallowing application of tax credit if the credit allowed under article thirteen-j of said chapter is allowed for the same credit base; providing for add back of deductions, adjustments or modifications to taxable income if based upon the same activity, in-kind service, donation or contribution for which credit is taken; authorizing the Tax Commissioner to promulgate rules; and specifying effective date.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

By Senators Kessler (Mr. President), Unger, Snyder, Stollings, Fitzsimmons, Miller, Laird, McCabe, Wells and D. Hall:

Senate Bill No. 167—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-2-35, relating to creation of the West Virginia Future Fund; initial funding to consist of twenty-five percent of increased proceeds from oil and natural gas severance taxes; expressing legislative intent not to encumber or otherwise use any principal or interest from the fund for a term of twenty years; and addressing use of the fund.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

By Senators Kessler (Mr. President) and Fitzsimmons:

Senate Bill No. 168—A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers' compensation for certain mental illnesses related to being a crime victim.

Referred to the Committee on the Judiciary.

By Senators Kessler (Mr. President) and Jenkins:

Senate Bill No. 169—A Bill to amend and reenact §5-10-25 of the Code of West Virginia, 1931, as amended, relating to the Public Employees Retirement System; and preventing reduction of disability pensions at age sixty-five.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senators Yost and Fitzsimmons:

Senate Bill No. 170—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-

2I-1, §5B-2I-2, §5B-2I-3 and §5B-2I-4, all relating to creating the Keep Jobs in West Virginia Act; requiring all work performed for the state by contractors be performed in the United States; making legislative findings; permitting the state to seek damages and void contracts for work done outside the country; and providing exceptions.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Yost, Fitzsimmons and D. Hall:

Senate Bill No. 171—A Bill to amend and reenact §18-2-26 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-5-4 of said code, all relating to increasing the amount of compensation a member of a county board of education may receive for attending certain meetings; increasing by \$100 the amount a board member may receive for attending regional education council meetings if he or she also serves on that council; increasing by \$40 the amount board members may receive for each board meeting attended; permitting board members to also be compensated at the same rate for other specific meetings attended; establishing a maximum number of compensable meetings; and permitting board members to be compensated for attending a maximum of six days of approved training classes.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senator Kessler (Mr. President):

Senate Bill No. 172—A Bill to amend and reenact §11-16-3 and §11-16-8 of the Code of West Virginia, 1931, as amended, all relating to the Nonintoxicating Beer Act; adding a limited liability company to the definition of “person” under the act; allowing a trust to be an applicant for a distributor license; and requiring certain disclosures by applicants that are trusts or limited liability companies.

Referred to the Committee on the Judiciary.

By Senators Wells, Yost, Jenkins, Fitzsimmons and D. Hall:

Senate Bill No. 173—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-4-10, relating to establishing a policy for students enrolled in state institutions of higher education who are called up or ordered to state or federal active service, inactive-duty training or annual training in any active duty or reserve component of the armed forces of the United States or of the National Guard of this state or any other state.

Referred to the Committee on Military; and then to the Committee on Education.

By Senators Wells, Yost, Jenkins, Snyder, Fitzsimmons, Williams and D. Hall:

Senate Bill No. 174—A Bill to amend and reenact §18B-4-9 of the Code of West Virginia, 1931, as amended, relating to providing for the appointment of veterans' advocates at state institutions of higher education for veterans, current members or reserves of the armed forces of the United States or National Guard who are students; and setting forth the responsibilities of those advocates.

Referred to the Committee on Military; and then to the Committee on Education.

By Senators Carmichael and Wells:

Senate Bill No. 175—A Bill to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, relating to extending the period that wages must be paid after termination.

Referred to the Committee on Labor; and then to the Committee on the Judiciary.

By Senator Carmichael:

Senate Bill No. 176—A Bill to amend the Code of West Virginia,

1931, as amended, by adding thereto two new sections, designated §55-7-26 and §55-7-27, all relating to actions for tort liability; providing reduction of judgment awards in tort liability actions of certain collateral source payments made or to be made to the plaintiff; defining the terms “collateral source” and “collateral source payments”; exceptions; and providing postverdict determination of reduction of compensatory damages.

Referred to the Committee on the Judiciary.

By Senators Walters, Blair, Boley, Carmichael, Cole, Sypolt, Wells and Nohe:

Senate Bill No. 177—A Bill to amend and reenact §18-8-2 of the Code of West Virginia, 1931, as amended, relating to penalties for primary and secondary school students for excessive tardy minutes.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Tucker, Williams, Cookman, Jenkins, Fitzsimmons, Miller, Laird, Nohe and D. Hall:

Senate Bill No. 178—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to motor vehicle registration generally; providing for the issuance of a special next-of-kin of a law-enforcement officer killed in the line of duty license plate; and assessing a special initial application fee and a special annual fee therefor.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senator Yost:

Senate Bill No. 179—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-15B-1, §8-15B-2, §8-15B-3, §8-15B-4 and §8-15B-5, all relating to meeting and conference rights for members of police or fire

departments employed by political subdivisions; providing for the right of these members to self organization; allowing designation of an exclusive representative agent; imposing a duty to meet and confer with employees; allowing deduction of employee organization dues and assessments; providing for compulsory arbitration of disputes; listing prohibited acts; allowing hearings before Civil Service Commission; providing judicial review; specifying powers and duties of the Civil Service Commission; and allowing injunctive relief.

Referred to the Committee on Labor; and then to the Committee on the Judiciary.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 180—A Bill to amend and reenact §9-5-11 of the Code of West Virginia, 1931, as amended, relating to reforming the state Medicaid subrogation statute; reorganizing the statute for clarity; defining “department” as the Department of Health and Human Resources; establishing the department’s subrogation right; prioritizing the department’s subrogation right; establishing 21-day notice requirement upon action, claim or settlement offer affecting the department’s subrogation right; requiring joinder of the department upon filing of action or claim; enacting penalty provision for failure to comply with 21-day notice requirement; requiring specific allocation of damages for any settlement, compromise, judgment or award; providing a sixty-day review period for the department to assess a proposed settlement allocation; providing requirements for evidentiary damages hearings in instances where the department cannot agree with the parties on the allocation of damages in settlement; establishing post-trial payment procedures; and making other technical changes.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 181—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-1-67; and to amend and reenact §17C-5-4 and §17C-5-6 of said code, all relating to improving enforcement of drugged driving offenses; defining “drug”; providing implied consent to test for controlled substances or drugs; including controlled substances and drugs in blood test administration procedures; and making other clerical changes.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 182—A Bill to amend and reenact §11-13X-5 of the Code of West Virginia, 1931, as amended, relating to lowering the total amount of tax credits available in a given fiscal year under the Film Industry Investment Act.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 183—A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of “federal taxable income” and certain other terms used in the West Virginia Corporation Net Income Tax Act so the definitions conform with the Internal Revenue Code’s definitions; and specifying effective dates.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 184—A Bill to amend and reenact §11-21-9 of

the Code of West Virginia, 1931, as amended, relating to updating the meaning of “federal adjusted gross income” and certain other terms used in the West Virginia Personal Income Tax Act so the definitions conform with the Internal Revenue Code’s definitions; and specifying effective dates.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 185—A Bill to amend and reenact §11-6D-1, §11-6D-2, §11-6D-3, §11-6D-4, §11-6D-5, §11-6D-6, §11-6D-7 and §11-6D-9 of the Code of West Virginia, 1931, as amended, all relating to the tax credit for alternative-fuel motor vehicles and qualified alternative-fuel vehicle refueling infrastructure and qualified alternative-fuel vehicle home refueling infrastructure; setting forth legislative findings; defining terms; restricting credit to purchases of and conversions to natural gas-fueled motor vehicles and liquefied petroleum gas-fueled motor vehicles; narrowing allowance of credit for alternative-fuel motor vehicle purchases, alternative-fuel motor vehicle conversions and alternative-fuel motor vehicle refueling infrastructure; outlining eligibility for credit and cessation of eligibility for credit for specified construction, purchases, expenditures, investments, installations or conversions made on or after cessation dates or tax years as specified; requiring that not more than one tax credit be granted under said article six-d, or any combination of articles set forth in said chapter eleven for purchase of an alternative-fuel motor vehicle or for costs relating to conversion of a motor vehicle to an alternative-fuel motor vehicle, or for costs associated with alternative-fuel vehicle refueling infrastructure or for costs associated with alternative-fuel home refueling infrastructure; providing amount of credit for qualified alternative-fuel vehicle refueling infrastructure; providing limitations on credit; providing for the termination of tax credit for alternative-fuel motor vehicles purchased after December 31, 2017; providing for the termination of tax credit for motor vehicles converted to operate on alternative fuel after December 31, 2017; providing for the termination of tax

credit for construction or purchase and installation of alternative-fuel vehicle refueling infrastructure occurring after December 31, 2017; providing for the termination of tax credit for construction or purchase and installation of qualified alternative-fuel vehicle home refueling infrastructure occurring in tax years beginning after December 31, 2012; providing for the termination of tax credit for purchases of motor vehicles that operate on fuels other than compressed natural gas or liquefied natural gas, or liquefied petroleum gas, occurring in tax years beginning after December 31, 2012; providing for the termination of tax credit for conversions of motor vehicles to operate on fuels other than compressed natural gas or liquefied natural gas or liquefied petroleum gas occurring in tax years beginning after December 31, 2012; clarifying that provisions applicable to tax years beginning after December 31, 2012, are retroactive; providing limitations and restrictions of credit carryover; and providing that credit is nontransferable.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 186—A Bill to amend and reenact §11-24-43a of the Code of West Virginia, 1931, as amended; to amend and reenact §31-15A-16 of said code; and to amend and reenact §33-20F-4 of said code, all relating to reallocation and repatriation of certain funds to the General Revenue Fund; specifying that dedication of tax proceeds for deposit in the Special Railroad and Intermodal Enhancement Fund expire at the end of June 30, 2013; reducing the amount deposited annually to the credit of the West Virginia Infrastructure General Obligation Debt Service Fund, subject to certain limitations, conditions and constraints; deleting obsolete provisions regarding a loan from the Tobacco Settlement Medical Trust Fund to the Physician's Mutual Insurance Company; deleting the provision requiring some taxes on medical malpractice insurance premiums to be paid into the Revenue Shortfall Reserve Fund; and specifying effective dates.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 187—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5 and §5B-2I-6, all relating to creating the Jobs Impact Statement Act; requiring that the West Virginia Development Office prepare a jobs impact statement when requested by the Governor or leader of either house of the Legislature for certain proposed legislation; outlining the contents of the jobs impact statement; providing that this article does not affect the validity of legislation, restrict consideration of pending legislation or otherwise alter, amend or invalidate any rule of the Senate, the House of Delegates or joint rules of the Senate and House of Delegates; and describing the manner in which copies of the jobs impact statement shall be made available.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 188—A Bill to amend and reenact §9-2-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §24A-1-3 of said code, all relating to creating a vendor transportation program within the Department of Health and Human Resources to transport Medicaid patients for nonemergency transportation services; requiring that the Secretary of the Department of Health and Human Resources report on the effectiveness of the program to the Legislative Oversight Commission on Health and Human Resources Accountability; exempting motor vehicles used by or on behalf of the Department of Health and Human Resources in connection with the vendor transportation program from the jurisdiction of the Public Service Commission; providing a safety and insurance exception to this exemption; and making technical changes.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 189—A Bill to amend and reenact §7-22-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-38-7 of said code, all relating to changing the capital investment threshold amount from more than \$25 million to more than \$75 million for development expenditures proposed to be made in county economic opportunity development districts and in municipal economic opportunity development districts in the first twenty-four months following their creation; changing the capital investment threshold amount from more than \$25 million to more than \$75 million for remediation expenditures to be made in county economic opportunity development districts and in municipal economic opportunity development districts in the first forty-eight months following their creation; and making other technical corrections.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 190—A Bill to amend and reenact §17-27-5 and §17-27-9 of the Code of West Virginia, 1931, as amended, all relating to the funding of transportation public-private partnership projects and their corresponding comprehensive agreements; eliminating requirement that money from the State Road Fund only be used for public-private partnership projects where the money serves as a required match for federal funds specifically earmarked in a federal authorization or appropriation bill and does not exceed four percent of the immediate preceding three fiscal years' average of the Division of Highway's construction contracts awarded under the competitive bid process; allowing public-private partnership projects to use money from the State Road Fund when the projects

are in excess of \$20 million, constructed by the Division of Highways and contained in its six-year plan; providing that any earnings in excess of maximum rate of return that is negotiated in comprehensive agreements be deposited in the State Road Fund; eliminating a sunset provision prohibiting comprehensive agreements for public-private partnership projects after June 30, 2013; eliminating the requirement that a comprehensive agreement for public-private partnership projects be approved by concurrent resolution of the Legislature and be submitted to the Governor for his or her approval or disapproval before the Division of Highways enters into the comprehensive agreement; and mandating that the Division of Highways provide a copy of any comprehensive agreement to the Legislature's Joint Committee on Government and Finance at least thirty days prior to said agreement being executed by the Division of Highways for a public-private partnership project.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 191—A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11B-2-20a; to amend and reenact §17-3-1 of said code; and to amend and reenact §31-15A-9 of said code, all relating to the Revenue Shortfall Reserve Fund, the Revenue Shortfall Reserve Fund - Part B and the creation of a West Virginia Infrastructure Modernization and Development Special Revenue Fund; specifying maximum aggregate funding amount for the Revenue Shortfall Reserve Fund; providing that interest and other earnings on Revenue Shortfall Reserve Fund - Part B be dedicated to and expended for and in support of the federal-state Medicaid program authorized by the Legislature or mandated by the federal government; providing that, in commencing and executing the provisions of this subdivision, the West Virginia Investment Management Board is not and shall not be obligated

to sell any investments at a loss or otherwise take any action not in furtherance of its fiduciary duties and obligations in respect of funds and investments under its management and supervision; creating the West Virginia Infrastructure Modernization and Development Special Revenue Fund in the State Treasury; specifying the funding source for the West Virginia Infrastructure Modernization and Development Special Revenue Fund; specifying use of funds in the West Virginia Infrastructure Modernization and Development Special Revenue Fund; providing ability of State Road Fund to accept and expend funds transferred from the West Virginia Infrastructure Modernization and Development Special Revenue Fund; and providing ability of West Virginia Infrastructure Fund to accept and expend funds transferred from the West Virginia Infrastructure Modernization and Development Special Revenue Fund.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 192—A Bill to amend and reenact §24B-4-6 of the Code of West Virginia, 1931, as amended, relating to increasing civil penalties imposed by the Public Service Commission for pipeline safety violations; providing that civil penalties collected by the Public Service Commission are submitted to the Treasurer for deposit into the General Revenue Fund; and making technical changes.

Referred to the Committee on the Judiciary.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until Monday, February 18, 2013, at 1 p.m.

MONDAY, FEBRUARY 18, 2013

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Michael Argabrite, Grace Chapel Baptist Church, Kingwood, West Virginia.

Pending the reading of the Journal of Friday, February 15, 2013,

On motion of Senator Cann, the Journal was approved and the further reading thereof dispensed with.

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

At the request of Senator Unger, and by unanimous consent, the provisions of rule number fifty-four of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant the Honorable Nick Joe Rahall II, United States House of Representatives member for West Virginia's third congressional district, privileges of the floor for the day.

The Senate proceeded to the third order of business.

Senator Kessler (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, consisting of executive nominations for appointees:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

February 18, 2013

Senate Executive Message No. 2

TO: The Honorable Members of the
West Virginia Senate

Ladies and Gentlemen:

I respectfully submit the following nominations for your advice and consent:

1. For Member, Board of Medicine, Dr. Carlos Jimenez, Glen Dale, Marshall County, for the term ending September 30, 2016.
2. For Member, Board of Medicine, Dr. R. Curtis Arnold, Hurricane, Putnam County, for the term ending September 30, 2016.
3. For Member, Nursing Home Administrators Licensing Board, Joseph Bucher, Elkins, Randolph County, for the term ending June 30, 2015.
4. For Member, Women's Commission, Barbara Kyle, Daniels, Raleigh County, for the term ending June 30, 2014.
5. For Member, Women's Commission, Jean Ford, Williamstown, Wood County, for the term ending June 30, 2013.
6. For Member, Women's Commission, Kathleen McDermott, Wheeling, Ohio County, for the term ending June 30, 2014.
7. For Member, State Personnel Board, Randy Hansford, Ghent, Raleigh County, for the term ending June 30, 2014.
8. For Member, Public Port Authority, Patrick Ford, Weirton, Hancock County, for the term ending June 30, 2014.
9. For Member, Design-Build Board, Donald Gombert, Crab Orchard, Raleigh County, for the term ending July 7, 2014.

10. For Member, Design-Build Board, John Goetz IV, Dunbar, Kanawha County, for the term ending July 7, 2013.

11. For Member, Design-Build Board, Marc Monteleone, Charleston, Kanawha County, for the term ending July 7, 2014.

12. For Member, Design-Build Board, Roy Smith, Beckley, Raleigh County, for the term ending July 7, 2013.

13. For Member, Design-Build Board, Rodney Clay, Charleston, Kanawha County, for the term ending July 7, 2014.

14. For Member, Design-Build Board, Henry Wood Thrasher, Clarksburg, Harrison County, for the term ending July 7, 2014.

15. For Member, Design-Build Board, Mary Jo Klempa, Wheeling, Ohio County, for the term ending July 7, 2013.

16. For Member, Design-Build Board, Ronnie Spradling, St. Albans, Kanawha County, for the term ending July 7, 2013.

17. For Member, Board of Coal Mine Health and Safety, Terry Hudson, Flat Top, Mercer County, for the term ending June 30, 2015.

18. For Member, Parole Board, Peggy Pope, Charleston, Kanawha County, for the term ending June 30, 2018.

19. For Member, Parole Board, Benita Murphy, Logan, Logan County, for the term ending June 30, 2018.

20. For Member, Board of Control for Southern Regional Education, Paul Hill, for the term ending June 30, 2016.

21. For Member, West Virginia University Board of Governors, Ray Lane, Atherton, California, for the term ending June 30, 2016.

22. For Member, West Virginia University Board of Governors, The Honorable James Robert Rogers, Ponte Vedra Beach, Florida, for the term ending June 30, 2016.

23. For Member, West Virginia University Board of Governors, Charles Vest, Washington, D. C., for the term ending June 30, 2016.

24. For Member, Eastern West Virginia Community and Technical College Board of Governors, Curtis Durst, Fisher, Hardy County, for the term ending June 30, 2016.

25. For Member, Eastern West Virginia Community and Technical College Board of Governors, Richard Gillespie, Franklin, Pendleton County, for the term ending June 30, 2016.

26. For Member, Broadband Deployment Council, Dana Waldo, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

27. For Member, Shepherd University Board of Governors, Dr. John Younis, Shepherdstown, Jefferson County, for the term ending June 30, 2016.

28. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Cheryl Schreiber, Weirton, Brooke County, for the term ending June 30, 2016.

29. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Dr. Charles Davis, Stow, Ohio, for the term ending June 30, 2016.

30. For Member, Fairmont University Board of Governors, Dr. Chris Courtney, Bridgeport, Harrison County, for the term ending June 30, 2016.

31. For Member, Fairmont University Board of Governors, Ron Tucker, Fairmont, Marion County, for the term ending June 30, 2016.

32. For Member, Fairmont University Board of Governors, Mark Pallotta, Fairmont, Marion County, for the term ending June 30, 2016.

33. For Member, Southern West Virginia Community and Technical College Board of Governors, Thomas Heywood, Charleston, Kanawha County, for the term ending June 30, 2016.

34. For Member, Southern West Virginia Community and Technical College Board of Governors, Jada Hunter, Williamson, Mingo County, for the term ending June 30, 2016.

35. For Member, Southern West Virginia Community and Technical College Board of Governors, Terry Sammons, Gilbert, Mingo County, for the term ending June 30, 2015.

36. For Member, West Liberty University Board of Governors, Richard Carter, Wheeling, Ohio County, for the term ending June 30, 2016.

37. For Member, West Liberty University Board of Governors, Patrick Kelly, Charleston, Kanawha County, for the term ending June 30, 2016.

38. For Member, Broadband Deployment Council, James Nestor, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

39. For Member, Broadband Deployment Council, Jim Martin, Bridgeport, Harrison County, to serve at the will and pleasure of the Governor.

40. For Member, Council for Community and Technical College Education, Steve Roberts, Follansbee, Brooke County, for the term ending December 20, 2015.

41. For Member, Veterans' Council, Hershel Woodrow Williams, Ona, Cabell County, for the term ending June 30, 2018.

42. For Member, Housing Development Fund, J. D. Stricklen, Blue Creek, Kanawha County, for the term ending October 30, 2015.

43. For Member, Board of Landscape Architects, Jason Testman, Charleston, Kanawha County, for the term ending June 30, 2014.

44. For Member, Board of Landscape Architects, John Rudmann, Morgantown, Monongalia County, for the term ending June 30, 2013.

45. For Member, Board of Landscape Architects, Michael Biafore, Morgantown, Monongalia County, for the term ending June 30, 2015.

46. For Member, Bridgemont Community and Technical College Board of Governors, Sarah Smith, Charleston, Kanawha County, for the term ending June 30, 2016.

47. For Member, Bridgemont Community and Technical College Board of Governors, Karen Price, Charleston, Kanawha County, for the term ending June 30, 2016.

48. For Member, Bridgemont Community and Technical College Board of Governors, Tom Dover, Charleston, Kanawha County, for the term ending June 30, 2016.

49. For Member, Glenville State College Board of Governors, Ralph Holder, Belpre, Ohio, for the term ending June 30, 2016.

50. For Member, Glenville State College Board of Governors, Stephen Gandee, Jane Lew, Lewis County, for the term ending June 30, 2016.

51. For Member, Kanawha Valley Community and Technical College Board of Governors, Bradley Shafer, Clendenin, Kanawha County, for the term ending June 30, 2016.

52. For Member, Kanawha Valley Community and Technical College Board of Governors, Gregory Barker, Leon, Mason County, for the term ending June 30, 2016.

53. For Member, Kanawha Valley Community and Technical College Board of Governors, Mark Dempsey, Charleston, Kanawha County, for the term ending June 30, 2016.

54. For Member, Kanawha Valley Community and Technical College Board of Governors, Jan Vineyard, for the term ending June 30, 2016.

55. For Member, Kanawha Valley Community and Technical College Board of Governors, Robert Manley, Charleston, Kanawha County, for the term ending June 30, 2014.

56. For Member, Concord University Board of Governors, Greg Allen, Scottsdale, Arizona, for the term ending June 30, 2016.

57. For Member, Veterans' Council, Randall Bare, Sandyville, Jackson County, for the term ending June 30, 2018.

58. For Member, Broadband Deployment Council, Jeffrey Wise, Follansbee, Brooke County, to serve at the will and pleasure of the Governor.

59. For Member, Statewide Independent Living Council, Marian Steele, Summersville, Nicholas County, for the term ending June 30, 2015.

60. For Member, Statewide Independent Living Council, Sarah Mathis, Grassy Meadows, Greenbrier County, for the term ending June 30, 2015.

61. For Member, Statewide Independent Living Council, Darla Ervin, Morgantown, Monongalia County, for the term ending June 30, 2015.

62. For Member, Statewide Independent Living Council, Joyce Floyd, Elkins, Randolph County, for the term ending June 30, 2015.

63. For Member, Statewide Independent Living Council, Cathy Hutchinson, Huntington, Cabell County, for the term ending June 30, 2015.

64. For Member, Statewide Independent Living Council, Sandy Haberbosch, Shinnston, Harrison County, for the term ending June 30, 2015.

65. For Member, Statewide Independent Living Council, Sarah Rogers, Charleston, Kanawha County, for the term ending June 30, 2015.

66. For Member, Statewide Independent Living Council, Jan Derry, Morgantown, Monongalia County, for the term ending June 30, 2015.

67. For Member, Statewide Independent Living Council, Scott Gossard, Petersburg, Grant County, for the term ending June 30, 2015.

68. For Member, Coal Resource Transportation Designation Committee, Richard Ryan, Sod, Lincoln County, for the term ending June 30, 2014.

69. For Member, Board of Chiropractic, Dr. Jeffrey Summers, Charleston, Kanawha County, for the term ending June 30, 2015.

70. For Member, Family Protection Services Board, Judy King Smith, Morgantown, Monongalia County, for the term ending June 30, 2014.

71. For Member, Public Port Authority, J. Eric Peters, Sistersville, Tyler County, for the term ending June 30, 2013.

72. For Member, Public Port Authority, Newton Thomas, Jr., Charleston, Kanawha County, for the term ending June 30, 2015.

73. For Member, Public Port Authority, David Efaw, Blount, Kanawha County, for the term ending June 30, 2015.

74. For Member, Public Port Authority, The Honorable Charles Lanham, Point Pleasant, Mason County, for the term ending June 30, 2014.

75. For Member, Public Port Authority, Jim Llaneza, Clarksburg, Harrison County, for the term ending June 30, 2015.

76. For Member, Public Port Authority, Stratus Fotos, Huntington, Cabell County, for the term ending June 30, 2015.

77. For Member, Public Port Authority, Gerald Sites, Petersburg, Grant County, for the term ending June 30, 2014.

78. For Member, Board of Miner Training, Education and Certification, Terry Osborne, Morgantown, Monongalia County, for the term ending June 30, 2015.

79. For Member, Bluefield State College Board of Governors, Garry Moore, Sr., Bluefield, Mercer County, for the term ending June 30, 2014.

80. For Member, Bluefield State College Board of Governors, Lois Ann Manns, Beckley, Raleigh County, for the term ending June 30, 2014.

81. For Member, Bluefield State College Board of Governors, Anne Lantry, Princeton, Mercer County, for the term ending June 30, 2016.

82. For Member, Family Protection Services Board, Patricia Bailey, Beaver, Raleigh County, for the term ending June 30, 2015.

83. For Member, State Board of Education, The Honorable Thomas W. Campbell, Lewisburg, Greenbrier County, for the term ending November 4, 2021.

84. For Member, Veterans' Council, Harrison Gilliam, Huntington, Cabell County, for the term ending June 30, 2015.

85. For Member, West Virginia State University Board of Governors, Larry Salyers, Charleston, Kanawha County, for the term ending June 30, 2016.

86. For Member, West Virginia State University Board of Governors, Paul Konstanty, Hurricane, Putnam County, for the term ending June 30, 2013.

87. For Member, West Virginia State University Board of Governors, John Thralls, Hurricane, Putnam County, for the term ending June 30, 2016.

88. For Member, Board of Optometry, Dr. James Campbell, New Martinsville, Wetzel County, for the term ending June 30, 2015.

89. For Member, Board of Optometry, Lori Gemondo, Bridgeport, Harrison County, for the term ending June 30, 2015.

90. For Member, Board of Optometry, Dr. Mason White II, Logan, Logan County, for the term ending June 30, 2015.

91. For Director, Office of Miners' Health, Safety and Training, Ernest Eugene White, Dorothy, Raleigh County, to serve at the will and pleasure of the Governor.

92. For Secretary, Department of Administration, Roscoe Taylor, Ripley, Jackson County, to serve at the will and pleasure of the Governor.

93. For Member, Board of Funeral Service Examiners, John Fahey, Wheeling, Ohio County, for the term ending June 30, 2015.

94. For Member, Housing Development Fund, R. Fred Clark, Logan, Logan County, for the term ending October 16, 2016.

95. For Member, Jobs Investment Trust Board, Tim Millne, Huntington, Cabell County, for the term ending June 30, 2016.

96. For Member, Property Valuation and Training Procedures Commission, Jason Nettles, Grantsville, Calhoun County, for the term ending June 30, 2014.

97. For Member, Property Valuation and Training Procedures Commission, Harvey Young, Fayetteville, Fayette County, for the term ending June 30, 2016.

98. For Member, Investment Management Board of Trustees, Judy Hale, Winfield, Putnam County, for the term ending January 31, 2013.

99. For Member, Jobs Investment Trust Board, William Goode, Hurricane, Putnam County, for the term ending June 30, 2016.

100. For Member, Property Valuation and Training Procedures Commission, Janice LaRue, Keyser, Mineral County, for the term ending June 30, 2016.

101. For Member, Property Valuation and Training Procedures Commission, Mickey Brown, Madison, Boone County, for the term ending June 30, 2014.

102. For Member, Fire Commission, John Holstein, Madison, Boone County, for the term ending June 30, 2017.

103. For Member, Board of Chiropractic, Dr. Holly Harvey, Union, Monroe County, for the term ending June 30, 2016.

104. For Member, Board of Chiropractic, H. Jarrett Walker, Charleston, Kanawha County, for the term ending June 30, 2015.

105. For Member, Board of Medicine, Dr. Kishore Challa, Charleston, Kanawha County, for the term ending September 30, 2017.

106. For Member, Real Estate Commission, Densil Nibert, Shenandoah Junction, Jefferson County, for the term ending June 30, 2016.

107. For Member, Board of Osteopathic Medicine, Dr. Arthur Rubin, Charleston, Kanawha County, for the term ending June 30, 2017.

108. For Member, Board of Osteopathic Medicine, Dr. Michael Muscari, Pineville, Wyoming County, for the term ending June 30, 2017.

109. For Member, Livestock Care Standards Board, Phillip Gregg, Masontown, Preston County, for the term ending June 30, 2018.

110. For Member, Livestock Care Standards Board, Norma Davis, Pennsboro, Ritchie County, for the term ending June 30, 2017.

111. For Member, Livestock Care Standards Board, Dale Walker, Fort Seybert, Pendleton County, for the term ending June 30, 2016.

112. For Member, Livestock Care Standards Board, Richard Woodworth, Burlington, Mineral County, for the term ending June 30, 2018.

113. For Member, Livestock Care Standards Board, Steve Conrad, Brandywine, Pendleton County, for the term ending June 30, 2017.

114. For Member, Livestock Care Standards Board, Noah Perry, Buffalo, Putnam County, for the term ending June 30, 2018.

115. For Member, Livestock Care Standards Board, Todd Butler, Inwood, Berkeley County, for the term ending June 30, 2015.

116. For Member, State Board of Education, Tina Combs, Bunker Hill, Berkeley County, for the term ending November 4, 2016.

117. For Chief Administrative Law Judge, Office of Tax Appeals, A. M. Pollack, Elkview, Kanawha County, for the term ending June 30, 2016.

118. For Member, Livestock Care Standards Board, Dr. John Wilson, Lewisburg, Greenbrier County, for the term ending June 30, 2015.

119. For Member, Racing Commission, Bill Phillips, Jr., Elkins, Randolph County, for the term ending April 1, 2016.

120. For Member, Lottery Commission, Joey Crawford, St. Albans, Kanawha County, for the term ending June 30, 2016.

121. For Member, Election Commission, Taylor Downs, Morgantown, Monongalia County, for the term ending June 4, 2017.

122. For Member, Lottery Commission, David McCormick, Jr., Morgantown, Monongalia County, for the term ending June 30, 2017.

123. For Member, Education Broadcasting Authority, Corley Dennison III, Ona, Cabell County, for the term ending June 30, 2018.

Notice of these appointments was previously provided to the appropriate legislative staff at the time the appointments were made.

Sincerely,

Earl Ray Tomblin,
Governor.

Which communication was received and referred to the Committee on Confirmations and incorporated with the appointment submitted by the Regional Jail and Correctional Facility Authority received earlier this session; all to be considered as a special order of business for Saturday, April 13, 2013, at 11 a.m.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills and joint resolution were introduced, read by their titles, and referred to the appropriate committees:

By Senators Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley, M. Hall and Nohe:

Senate Bill No. 193—A Bill to repeal §27-16-1, §27-16-2, §27-16-3, §27-16-4 and §27-16-5 of the Code of West Virginia, 1931, as amended, relating to sterilization of mental defectives.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senators Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley and M. Hall:

Senate Bill No. 194—A Bill to repeal §9-2-9b of the Code of West Virginia, 1931, as amended, relating to contract procedures for the Medicaid program.

Referred to the Committee on Government Organization.

By Senators Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley, M. Hall and Beach:

Senate Bill No. 195—A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating generally to health care provider taxes; and removing the expiration date for tax rate on eligible acute care hospitals.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

By Senator Beach:

Senate Bill No. 196—A Bill to amend and reenact §19-1A-3 of the Code of West Virginia, 1931, as amended, relating to transferring

the supervisory and jurisdictional responsibilities of the area of Coopers Rock State Forest located south of Interstate 68 and the area located north of Interstate 68 known as the trout pond and its immediate environs from the Division of Forestry to the Division of Natural Resources; and clarifying that the sale of timber from those designated areas is under the jurisdiction and control of the Director of the Division of Natural Resources.

Referred to the Committee on Natural Resources; and then to the Committee on Government Organization.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 197—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2013, in the amount of \$23,972,984 from the Department of Administration - Office of the Secretary, fund 0186, fiscal year 2008, organization 0201, activity 635, and in the amount of \$5,000,000 from the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2008, organization 0310, activity 761, 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 Administration, Public Defender Services, fund 0226, fiscal year 2013, organization 0221, and to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2013, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013.

Referred to the Committee on Finance.

By Senators Yost, Fitzsimmons and Beach:

Senate Bill No. 198—A Bill to amend and reenact §61-7-6 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; and providing an exception to the requirement of having a license to carry a concealed weapon by magistrates and municipal court judges.

Referred to the Committee on the Judiciary.

By Senator Kessler (Mr. President):

Senate Bill No. 199—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-1D-1, relating to the agreement among states to elect the President by national popular vote.

Referred to the Committee on Interstate Cooperation; and then to the Committee on the Judiciary.

By Senator Laird:

Senate Bill No. 200—A Bill to amend and reenact §62-1E-1, §62-1E-2 and §62-1E-3 of the Code of West Virginia, 1931, as amended, all relating to eyewitness identification; defining terms; increasing requirements for performing an eyewitness identification; authorizing mandatory legislative rule-making authority for creating additional requirements and expanding upon current requirements in all aspects of eyewitness identification; requiring the legislative rules to include consequences for noncompliance, training requirements, policy requirements and the creation of a model policy; stating that the rules shall be created by the Governor's Committee on Crime, Delinquency and Correction in consultation with certain eyewitness identification practitioners and experts; and requiring the State Police to create certain educational materials associated with eyewitness identification.

Referred to the Committee on the Judiciary.

By Senators Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley and M. Hall:

Senate Bill No. 201—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-4F-1, §16-4F-2, §16-4F-3, §16-4F-4 and §16-4F-5; to amend and reenact §30-3-14 and §30-3-16 of said code; to amend and reenact §30-7-15a of said code; to amend and reenact §30-14-11 of said code; and to amend and reenact §30-14A-1 of said code,

all relating to treatment for a sexually transmitted disease; defining terms; permitting prescribing of antibiotics to sexual partners of a patient without a prior examination of the partner; requiring patient counseling; establishing counseling criteria; requiring information materials be prepared by the Department of Health and Human Resources; providing limited liability for providing expedited partnership therapy; requiring legislative rules regarding what is considered a sexually transmitted disease; and providing that physicians, physician assistants and advanced nurse practitioners are not subject to disciplinary action for providing treatment in an expedited partnership setting.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senators Kessler (Mr. President), Fitzsimmons, Beach, Miller, Laird, Nohe and Stollings:

Senate Bill No. 202—A Bill to amend and reenact §19-14-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §19-20C-1, §19-20C-2, §19-20C-3, §19-20C-4 and §19-20C-5, all relating to creating and funding the Spay Neuter Assistance Fund; defining the purposes of the fund; requiring bookkeeping standards and annual reporting; and increasing certain commercial and pet feed registration fees.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

By Senators Williams, Beach, Sypolt, Plymale and Nohe:

Senate Bill No. 203—A Bill to amend and reenact §20-2-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-3B-1 of said code, all relating to posting of property to prohibit hunting or trespassing; and allowing posting by clearly visible paint markings.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senators Snyder and Miller:

Senate Bill No. 204—A Bill to amend and reenact §30-10-8 of the Code of West Virginia, 1931, as amended, relating to licensure of veterinarians; and allowing the licensure of certain veterinarians by endorsement.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Palumbo, Fitzsimmons, Beach, Chafin, Wells and Plymale:

Senate Bill No. 205—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-5-13g, relating to juvenile proceedings; proscribing juveniles from manufacturing, possessing and distributing nude or partially nude images of minors; declaring a violation to be an act of juvenile delinquency; and providing for the punishment thereof.

Referred to the Committee on the Judiciary.

By Senators Stollings, Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, M. Hall and Nohe:

Senate Bill No. 206—A Bill to repeal §18-2-6a of the Code of West Virginia, 1931, as amended, relating to the sale of healthy beverages and soft drinks in schools.

Referred to the Committee on Health and Human Resources; and then to the Committee on Education.

By Senator Barnes:

Senate Joint Resolution No. 5—Proposing an amendment to the Constitution of the State of West Virginia, amending section fifteen, article III thereof, relating to religious freedom; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

Senators Sypolt, Unger, Chafin, Miller, Wells, Plymale, Williams and Stollings offered the following resolution:

Senate Resolution No. 10—Designating February 18, 2013, as “Preston County Day at the Legislature”.

Whereas, Preston County is rich in historical, cultural and recreational tradition; and

Whereas, Preston County was formed from Monongalia County in 1818, and is celebrating its 195th anniversary; and

Whereas, Preston County businesses and citizens past and present contribute to the heritage and economic success of Preston County; and

Whereas, Citizens of Preston County have bravely provided service to every branch of the United States military; and

Whereas, The citizens of Preston County travel to the state capitol on an annual basis during the legislative session to participate in the democratic process, in which they share their accomplishments, aspirations and concerns with lawmakers; and

Whereas, It is fitting to recognize Preston County for its history, culture, economy and future development in the State of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 18, 2013, as “Preston County Day at the Legislature”; and, be it

Further Resolved, That the Senate acknowledges the many important contributions the citizens and businesses of Preston County make in the State of West Virginia and encourages those citizens to participate in the democratic process; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Preston County.

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

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

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

Senators Wells, Unger, Kessler (Mr. President), Fitzsimmons, Chafin, Beach, Miller, Laird, Williams, Plymale, Snyder, Jenkins and Stollings offered the following resolution:

Senate Resolution No. 11—Designating February 18, 2013, as “Veterans Visibility Day”.

Whereas, From the Revolutionary War, which gave America its identity as a free and democratic nation, to this moment, America’s men and women have always risen to the call of duty in order to defend and preserve our freedom and help maintain freedom throughout the world; and

Whereas, Per capita, more citizens from West Virginia have served in our nation’s armed forces than from any other state. We are proud of our citizens who, despite danger, have done what they must for peace and freedom; and

Whereas, Through wars, conflicts and the threat of terror, thousands of West Virginians have paid the ultimate price for freedom with their lives and thousands more have been wounded in battle; and

Whereas, The Senate is proud to honor those currently serving in harm's way in Iraq, Afghanistan and in other countries all over the world to protect democracy from the threat of terror; and

Whereas, It is always important that we honor the many brave West Virginians who have faced the enemy, been wounded and even given their lives not only for our freedom, but for freedom around the world; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 18, 2013, as "Veterans Visibility Day"; and, be it

Further Resolved, That the Senate expresses its sincere gratitude to all veterans and those men and women currently serving in the armed forces to protect our freedom; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Department of Veterans' Assistance.

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

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

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Plymale, and by unanimous consent, returned to the second order of business and the introduction of guests.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill No. 74, Replacing “other infamous offense” term relating to jury service disqualification.

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

Com. Sub. for Senate Bill No. 116, Relating to crimes against property involving graffiti.

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

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Sypolt.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Tuesday, February 19, 2013, at 11 a.m.

TUESDAY, FEBRUARY 19, 2013

The Senate met at 11 a.m.

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

Prayer was offered by Dr. Frank Frye, Madison United Methodist Church, Madison, West Virginia.

Pending the reading of the Journal of Monday, February 18, 2013,

On motion of Senator Snyder, the Journal was approved and the further reading thereof dispensed with.

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

The Clerk presented a communication from the Board of Accountancy, submitting its biennial report for fiscal years 2011 and 2012 as required by chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Acupuncture, submitting its biennial report for fiscal years 2011 and 2012, in accordance with chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Children's Health Insurance Program, submitting its annual report as required by chapter five, article sixteen-b, section three of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Chiropractic, submitting its biennial report for fiscal years 2011 and 2012, in accordance with chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Court of Claims, submitting its annual report as required by chapter fourteen, article two-a, section twenty-one of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Dental Examiners, submitting its biennial report for fiscal years 2011 and 2012, in accordance with chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Economic Development Authority, submitting its annual report as required by chapter thirty-one, article fifteen, section twenty-nine of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Department of Environmental Protection, submitting its annual report of the Oil and Gas Operating Permit and Processing Fund, in accordance with chapter twenty-two, article six, section twenty-nine of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Department of Environmental Protection, submitting its annual report of the Oil

and Gas Reclamation Fund as required by chapter twenty-two, article six, section twenty-nine of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Department of Environmental Protection, submitting its annual report of the Special Reclamation Fund Advisory Council, in accordance with chapter twenty-two, article one, section seventeen of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Department of Environmental Protection, submitting its annual waiver report of the Office of Oil and Gas as required by chapter twenty-two, article six-a, section two of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Department of Health and Human Resources, submitting its annual Youth Services report, in accordance with chapter forty-nine, article five-b, section seven of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Offices of the Insurance Commissioner, submitting its annual report of Medical Professional Liability Insurance as required by chapter thirty-three, article twenty-b, section seven of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the James “Tiger” Morton Catastrophic Illness Commission, submitting its annual recommendation to the Legislature regarding appropriations from the Catastrophic Illness Fund, in accordance with chapter sixteen, article five-q, section two of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the State Board of Examiners for Licensed Practical Nurses, submitting its biennial report for fiscal years 2011 and 2012 as required by chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the State Board of Examiners for Licensed Practical Nurses, submitting its annual report of veterans applying for licensure by examination and the percentage who pass, in accordance with chapter thirty, article twenty-four, section seven of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Massage Therapy Licensure Board, submitting its biennial report for fiscal years 2011 and 2012 as required by chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Medical Imaging and Radiation Therapy Technology Board of Examiners, submitting its biennial report for fiscal years 2011 and 2012, in accordance with chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Medicine, submitting its annual report as required by chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Division of Motor Vehicles, submitting its annual report of the Motor Vehicle Alcohol Test and Lock Program, in accordance with chapter seventeen-c, article five-a, section three-a of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Division of Motor Vehicles, submitting its annual report of the Motorcycle Safety Awareness Board as required by chapter seventeen-b, article one-d, section eight of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Division of Natural Resources, submitting its annual report, in accordance with chapter twenty, article one, section seven of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Nursing Home Administrators Licensing Board, submitting its annual report as required by chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Occupational Pneumoconiosis Board, submitting its biennial report for fiscal years 2011 and 2012, in accordance with chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Osteopathy, submitting its biennial report for fiscal years 2011 and 2012 as required by chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Outdoor Heritage Conservation Fund, submitting its annual report, in accordance with chapter five-b, article two-g, section six of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Division of Personnel, submitting its annual report as required by chapter twenty-nine, article six, section seven of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Physical Therapy, submitting its biennial report for fiscal years 2009 and 2010 and its biennial report for fiscal years 2011 and 2012, in accordance with chapter thirty, article one, section twelve of the code of West Virginia.

Which communications and reports were received and filed with the Clerk.

The Clerk presented a communication from the State Board of Registration for Professional Engineers, submitting its biennial report for fiscal years 2011 and 2012 as required by chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Professional Surveyors, submitting its annual report, in accordance with chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Examiners of Psychologists, submitting its biennial report for fiscal years 2011 and 2012 as required by chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Public Employees Grievance Board, submitting its annual report, in accordance with chapter six-c, article three, section three of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Real Estate Commission, submitting its annual report as required by chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Examiners for Registered Professional Nurses, submitting its biennial report for fiscal years 2011 and 2012, in accordance with chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Respiratory Care, submitting its annual report as required by chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Ron Yost Personal Assistance Services Program, submitting its annual report, in accordance with chapter eighteen, article ten-l, section seven of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the State Board of Sanitarians, submitting its biennial report for fiscal years 2011 and 2012 as required by chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Examiners for Speech-Language Pathology and Audiology, submitting its annual report, in accordance with chapter thirty, article one, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the State Police, submitting its annual report on its efforts and effectiveness of recruiting females and minority groups as required by chapter fifteen, article two, section seven of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Office of Tax Appeals, submitting its annual report, in accordance with chapter eleven, article ten-a, section seven of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Department of Transportation, Office of Administrative Hearings, submitting its

annual report as required by chapter seventeen-c, article five-c, section two of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Office of the State Treasurer, submitting its Debt Capacity Advisory Division's annual report, in accordance with chapter twelve, article six-b, section four of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

Senator Kessler (Mr. President) presented a communication from the Department of Health and Human Resources, submitting its annual report of the Infant and Maternal Mortality Review Team as required by chapter forty-eight, article twenty-five-a, section three of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

Senator Kessler (Mr. President) presented a communication from the Department of Health and Human Resources, submitting its annual report of the Sudden Infant Death Syndrome Prevention Project, in accordance with chapter sixteen, article one, section six of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

Senator Kessler (Mr. President) presented a communication from the Higher Education Policy Commission and the Council for Community and Technical Education, submitting its annual progress report toward development of services and facilities for

student veterans enrolled in public colleges and universities as required by chapter eighteen-b, article four, section nine of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

Senator Kessler (Mr. President) presented a communication from the Secretary of State, submitting its annual report of the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program, in accordance with chapter three, article twelve, section fourteen of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

Senator Kessler (Mr. President) presented a communication from the Water Development Authority, submitting its annual report as required by chapter twenty-two-c, article one, section seventeen of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Senate proceeded to the fourth order of business.

Senator Miller, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill No. 47, Creating General Livestock Trespass Law.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ronald F. Miller,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 207—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2013, in the amount of \$1,500,000 from the State Election Commission, Supreme Court Public Campaign Financing Fund, fund 1690, fiscal year 2013, organization 1601, and in the amount of \$2,500,000 from the Department of Administration, Office of the Secretary, State Employee Sick Leave Fund, fund 2045, fiscal year 2013, organization 0201, and in the amount of \$18,317,356.29 from the Department of Administration, Education, Arts, Sciences and Tourism Debt Service Fund, fund 2252, fiscal year 2013, organization 0211, and in the amount of \$3,800,000 from the Department of Administration, Division of General Services, 2004 Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2013, organization 0211, and in the amount of \$8,000,000 from the Department of Administration, Board of Risk and Insurance Management, Premium Tax Saving Fund, fund 2367, fiscal year 2013, organization 0218, and in the amount of \$2,000,000 from the Department of Health and Human Resources, Division of Human Services, Low Income Energy Assistance Program Fund, fund 5081, fiscal year 2013, organization 0511, and in the amount of \$4,600,000 from the Department of Revenue,

State Budget Office, Public Employees Insurance Reserve Fund, fund 7400, fiscal year 2013, organization 0703, and in the amount of \$20,000,000 from the Department of Revenue, Insurance Commissioner, Insurance Commission Fund, fund 7152, fiscal year 2013, organization 0704, and in the amount of \$14,736,022 from the Department of Revenue, Lottery Commission, Revenue Center Construction Fund, fund 7209, fiscal year 2013, organization 0705, 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 Administration, Division of Finance, fund 0203, fiscal year 2013, organization 0209, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2013, organization 0310, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2013, organization 0506, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2013, organization 0511, to the Department of Military Affairs and Public Safety - Office of the Secretary, fund 0430, fiscal year 2013, organization 0601, to the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2013, organization 0608, to the West Virginia Council for Community and Technical College Education - Control Account, fund 0596, fiscal year 2013, organization 0420, and to the Higher Education Policy Commission - Control Account, fund 0586, fiscal year 2013, organization 0442, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 208—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Commerce,

Division of Labor, fund 0260, fiscal year 2013, organization 0308, and the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2013, organization 0511, by supplementing and amending the appropriation for the fiscal year ending June 30, 2013.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 209—A Bill making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Department of Health and Human Resources, Division of Human Services, fund 5365, fiscal year 2013, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President), Cookman, Unger, Fitzsimmons, Green and Williams:

Senate Bill No. 210—A Bill to amend and reenact §50-1-3, §50-1-8, §50-1-9 and §50-1-9a of the Code of West Virginia, 1931, as amended, all relating to equally compensating all state magistrates, magistrate assistants, magistrate court clerks and magistrate court deputy clerks.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators McCabe and Beach:

Senate Bill No. 211—A Bill to amend and reenact §30-40-11 of the Code of West Virginia, 1931, as amended, relating to requiring applicants for licenses for original brokers, associate brokers or salespersons to agree to fingerprinting and criminal history record checks; granting the West Virginia Real Estate Commission the authority to perform the criminal history record checks; and

requiring the applicants to cover the costs of performing the record checks.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Palumbo and Stollings:

Senate Bill No. 212—A Bill to amend and reenact §3-5-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-6-9 of said code, all relating to primary elections and nominating procedures; canvassing and certifying election returns; recount procedures; conduct and administration of elections and board of canvassers; requiring a quorum of the board of canvassers to be present; authorizing the chief circuit court judge to appoint a person to the board of canvassers to make a quorum; and requiring at least one member of the board of canvassers be a commissioner of the county commission for that county.

Referred to the Committee on the Judiciary.

By Senators Palumbo and McCabe:

Senate Bill No. 213—A Bill to amend and reenact §3-10-7 and §3-10-8 of the Code of West Virginia, 1931, as amended, all relating to authorizing a county commission to temporarily fill vacancies in the offices of the clerk of the county commission, prosecuting attorney, sheriff, assessor and county surveyor; and permitting the temporary successors to serve a maximum of thirty days.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Stollings and Snyder:

Senate Bill No. 214—A Bill to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating generally to requirements of applicants for a license to practice medicine and surgery or podiatry; eliminating the need for personal interview with the Board of Medicine in certain circumstances;

and clarifying that a personal interview by the Board of Medicine of all applicants is not required.

Referred to the Committee on Government Organization.

By Senators Carmichael and Blair:

Senate Bill No. 215—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-27, relating to limiting the amount of punitive damages recoverable in a personal injury or wrongful death action.

Referred to the Committee on the Judiciary.

By Senators Carmichael and Blair:

Senate Bill No. 216—A Bill to amend and reenact §21-5A-5 of the Code of West Virginia, 1931, as amended, relating to establishing prevailing hourly rates are to be used in connection with the construction of public improvements; and providing for review and appeal.

Referred to the Committee on Labor; and then to the Committee on the Judiciary.

By Senators Williams and Beach:

Senate Bill No. 217—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-14C-5a, relating to reducing the wholesale tax on heating fuel, off-road fuels, kerosene and propane used for home heating purposes or off-road use to 4.85 percent; and providing an effective date.

Referred to the Committee on Finance.

By Senators Williams, Miller and Beach:

Senate Bill No. 218—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-11-12, relating to including on the state personal income tax return a checkoff option to donate some or all of any tax refund to the Jackson's Mill 4-H Camp Checkoff Program.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

Senators McCabe, Wells, Palumbo, Walters, Plymale, Laird, Miller, Stollings and Williams offered the following resolution:

Senate Resolution No. 12—Recognizing the statewide contributions of the Clay Center for the Arts and Sciences of West Virginia.

Whereas, The Clay Center opened its doors on July 13, 2003, as one of only three venues in the country to combine science, visual and performing arts in one facility; and

Whereas, The Clay Center’s Avampato Discovery Museum is West Virginia’s only interactive science museum; and

Whereas, The Clay Center’s Juliet Museum of Art is one of just four public museums in West Virginia with a permanent art collection; and

Whereas, More than fifty thousand students from fifty West Virginia counties and twenty-one counties in surrounding states have benefitted from the Clay Center’s science and art programs; and

Whereas, More than 650 West Virginia students have received free instruments and music lessons through the Clay Community Arts Program; and

Whereas, Through physical outreach presentations and virtual distance learning programs, close to 700 students from across the state have visited the Clay Center without ever leaving the classroom; and

Whereas, More than 1.3 million people from forty-nine states have visited the Clay Center since its opening; and

Whereas, Clay Center activities add approximately \$16.4 million to West Virginia's economy each year; and

Whereas, Close to four hundred jobs are generated by the Clay Center; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the statewide contributions of the Clay Center for the Arts and Sciences of West Virginia; and, be it

Further Resolved, That on February 19, 2013, the Senate invites all members of the West Virginia Legislature and all citizens of West Virginia to join in recognizing the Clay Center for the Arts and Sciences of West Virginia and its contributions to our state; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Clay Center for the Arts and Sciences of West Virginia.

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

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

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

Senators Plymale, Stollings, Kirkendoll, Unger, Green and Williams offered the following resolution:

Senate Resolution No. 13—Recognizing Kendyl Ryan, recipient of the national GEAR UP Youth of the Year Award.

Whereas, West Virginia GEAR UP aims to significantly increase both the academic performance and the rigorous preparation of students for participation in post-secondary education; and

Whereas, Kendyl Ryan, of Boone County, West Virginia, is a high school student at Scott High School and has been a participant with the West Virginia GEAR UP program since 2008; and

Whereas, Kendyl Ryan has overcome many obstacles and challenges in her life and has developed into a young leader and role model to her siblings and peers; and

Whereas, As a testament to her dedication and commitment to the GEAR UP program and her energetic and positive way she leads her life, Kendyl Ryan was nominated for the national GEAR UP Youth of the Year Award; and

Whereas, At the national conference in Washington, D. C., among thousands of other applicants, Kendyl Ryan was chosen as the national GEAR UP Youth of the Year Award winner; and

Whereas, It is fitting that the Senate recognizes Kendyl Ryan for her outstanding accomplishment, her work in the community, and for setting an example for all West Virginians of what can be accomplished with hard work, dedication and spirit; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Kendyl Ryan, recipient of the national GEAR UP Youth of the Year Award; and, be it

Further Resolved, That the Senate extends its best wishes to Kendyl Ryan and wishes her well on a bright future ahead; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Kendyl Ryan.

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

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

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

Senators Sypolt, Unger, Plymale, Fitzsimmons, Beach and Carmichael offered the following resolution:

Senate Resolution No. 14—Designating February 19, 2013, as “West Virginia Home School Day” at the Capitol.

Whereas, The State of West Virginia is committed to excellence in education; and

Whereas, The State of West Virginia recognizes that parental involvement and individualized attention to educational success are unique and basic components of home schooling; and

Whereas, Home-schooled students exhibit self confidence and good citizenship and are prepared academically to meet the challenges of today’s society; and

Whereas, Contemporary studies continue to confirm that children who are educated at home score exceptionally well on national achievement tests and score above the national average on SAT and ACT tests; and

Whereas, Home-schooled students have shown to be competitive with publicly and privately schooled students at the college level; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 19, 2013, as “West Virginia Home School Day” at the Capitol; and, be it

Further Resolved, That the Senate recognizes students, teachers and families involved with home schooling in West Virginia for their dedication to excellence in education; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Home Educators Association and the Christian Home Educators of West Virginia.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 74, Replacing “other infamous offense” term relating to jury service disqualification.

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

Com. Sub. for Senate Bill No. 116, Relating to crimes against property involving graffiti.

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

The Senate proceeded to the thirteenth order of business.

At the respective requests of Senators M. Hall and Nohe, the names of Senators M. Hall and Nohe were removed as sponsors

of **Senate Bill No. 206** (*Repealing code allowing sale of healthy beverages and soft drinks in schools*).

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Wednesday, February 20, 2013, at 11 a.m.

WEDNESDAY, FEBRUARY 20, 2013

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Jim McQuerry, Associate Pastor of Worship Ministries, Bible Center Church, Charleston, West Virginia.

Pending the reading of the Journal of Tuesday, February 19, 2013,

On motion of Senator Nohe, the Journal was approved and the further reading thereof dispensed with.

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

Senator Kessler (Mr. President) presented a communication from the Legislative Rule-Making Review Committee, submitting its annual report, in accordance with chapter twenty-nine-a, article three, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 71, Requiring descriptions of easements and rights-of-way include width in addition to centerline.

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

Com. Sub. for Senate Bill No. 71 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §36-3-5a of the Code of West Virginia, 1931, as amended, relating to descriptions of easements and rights-of-way in deeds and similar instruments; amending the centerline method of description to include width; and clarifying that description requirement regarding easements and rights-of-way does not apply to certain leases.

And,

Senate Bill No. 145, Conforming election complaint procedures statute to federal code.

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

Com. Sub. for Senate Bill No. 145 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-1-50 of the Code of West Virginia, 1931, as amended, relating to the administrative procedure in response to election-related complaints; clarifying language to allow the procedure to be utilized for certain federal election violations; and providing an exception to the procedure for certain allegations that may result in a finding of a criminal violation.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 129, Making failure to wear safety belts primary offense.

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

Com. Sub. for Senate Bill No. 129 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended, relating to making the offense of failure to wear safety belts a primary offense; requiring all passengers in the back seat to be restrained by a safety belt or child passenger safety device system; limiting an exception for mail carriers to operators; broadening an exception regarding physical disability; and specifying the fine amount.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill (Com. Sub. for S. B. No. 129), under the original double committee reference, was then referred to the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senator Snyder:

Senate Bill No. 219—A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to selecting design-builders under the Design-Build Procurement Act.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 220—A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to state-owned vehicles.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 221—A Bill to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Administrative Hearings to promulgate a legislative rule relating to appeal procedures.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 222—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 223—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Architects to promulgate a legislative rule relating to the registration of architects.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 224—A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to mixed martial arts.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 225—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the procedures, criteria and curricula for examination and licensure of barbers, cosmetologists, nail technicians, aestheticians and hair stylists.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 226—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to barber apprenticeships.

Referred to the Committee on Government Organization; then to the Committee on Finance; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 227—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the operational standards for schools of barbering and beauty culture.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 228—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Broadband Deployment Council to promulgate a legislative rule relating to broadband deployment grants programs.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 229—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Conservation Committee to promulgate a legislative rule relating to the operation of the West Virginia State Conservation Committee and conservation districts.

Referred to the Committee on Agriculture and Rural Development; then to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 230—A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to general provisions.

Referred to the Committee on Pensions; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 231—A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to benefit determination and appeal.

Referred to the Committee on Pensions; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 232—A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Teachers Retirement System.

Referred to the Committee on Pensions; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 233—A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Public Employees Retirement System.

Referred to the Committee on Pensions; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 234—A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the West Virginia State Police.

Referred to the Committee on Pensions; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 235—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the board.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 236—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dental Examiners to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substances Monitoring Program database.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 237—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dental Examiners to promulgate a legislative rule relating to continuing education requirements.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 238—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the expanded duties of dental hygienists and dental assistants.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 239—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 240—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 241—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from the combustion of solid waste.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 242—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from hazardous waste treatment, storage and disposal facilities.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 243—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for operating permits.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 244—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 245—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to horizontal well development.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 246—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to covered electronic devices recycling.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 247—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste administrative proceedings and civil penalty assessment.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 248—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to water pollution control permit fee schedules.

Referred to the Committee on Finance; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 249—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the WV/NPDES regulations for coal mining facilities.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 250—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Development Office to promulgate a legislative rule relating to the use of coalbed methane severance tax proceeds.

Referred to the Committee on Finance; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 251—A Bill to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to promulgate a legislative rule relating to the State Building Code.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 252—A Bill to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to promulgate a legislative rule relating to volunteer firefighters' training, equipment and operating standards.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 253—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 254—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor’s Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to the protocol for law-enforcement response to stalking.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 255—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor’s Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to the protocol for law-enforcement response to child abuse and neglect.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 256—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Hatfield-McCoy Regional Recreation Authority to promulgate a legislative rule relating to rules for use of the facility.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 257—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the regulation of opioid treatment programs.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 258—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to chronic pain management clinic licensure.

Referred to the Committee on Health and Human Resources; then to the Committee on Finance; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 259—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers' licensing.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 260—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults in West Virginia.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 261—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a

legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas.

Referred to the Committee on Agriculture and Rural Development; then to the Committee on Finance; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 262—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to the West Virginia Health Information Network.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 263—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pulse oximetry newborn testing.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 264—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to general sanitation.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 265—A Bill to amend and reenact article 5,

chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Grade A pasturized milk.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 266—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to fees for services.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 267—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to reportable diseases, events and conditions.

Referred to the Committee on Health and Human Resources; then to the Committee on Finance; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 268—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the regulation of opioid treatment programs.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 269—A Bill to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Highways to promulgate a legislative rule relating to the transportation of hazardous wastes upon the roads and highways.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 270—A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to provider-sponsored networks.

Referred to the Committee on Banking and Insurance; then to the Committee on Finance; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 271—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to bedding and upholstered furniture.

Referred to the Committee on Labor; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 272—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to the Amusement Rides and Amusement Attractions Safety Act.

Referred to the Committee on Labor; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 273—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to the supervision of elevator mechanics and apprentices.

Referred to the Committee on Labor; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 274—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to the Crane Operator Certification Act.

Referred to the Committee on Labor; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 275—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to the Crane Operator Certification Act—practical examination.

Referred to the Committee on Labor; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 276—A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to state lottery rules.

Referred to the Committee on Finance; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 277—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substances Monitoring Program database.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 278—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures; continuing education; and physician assistants.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 279—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatrists.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 280—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Miner Training, Education and Certification to promulgate a legislative rule relating to the standards for certification of coal mine electricians.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 281—A Bill to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the denial, suspension, revocation, disqualification, restriction, nonrenewal, cancellation, administrative appeals and reinstatement of motor vehicle operating privileges.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 282—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special boating.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 283—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special motorboating.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 284—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to

promulgate a legislative rule relating to defining the terms used in all hunting and trapping rules.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 285—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to prohibitions when hunting and trapping.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 286—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to deer hunting.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 287—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to general trapping.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 288—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 289—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special fishing.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 290—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to falconry.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 291—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Optometry to promulgate a legislative rule relating to continuing education.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 292—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Optometry to promulgate a legislative rule relating to expanded therapeutic procedures certificates.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 293—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Optometry to promulgate a legislative rule relating to a schedule of fees.

Referred to the Committee on Health and Human Resources; then to the Committee on Finance; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 294—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 295—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to practitioner requirements for controlled substances licensure; and accessing the West Virginia Controlled Substances Monitoring Program database.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 296—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to ephedrine and pseudoephedrine control.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 297—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 298—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Protective Services to promulgate a legislative rule relating to contracted police or security services.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 299—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing.

Referred to the Committee on Finance; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 300—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to greyhound racing.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 301—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to pari-mutuel wagering.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 302—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 303—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to renewal of licensure—qualifications for renewal.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 304—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to fees for services rendered by the board and supplemental renewal fee for the Center for Nursing.

Referred to the Committee on Health and Human Resources; then to the Committee on Finance; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 305—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substances Monitoring Program database.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 306—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to the announcement of advanced practice.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 307—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 308—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to the Uniform Commercial Code.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 309—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to administration of the Address Confidentiality Program.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 310—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to the regulation of political party headquarters financing.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 311—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to the regulation of late registration.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 312—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Bureau of Senior Services to promulgate a legislative rule relating to the in-home care worker registry.

Referred to the Committee on Health and Human Resources; then to the Committee on Finance; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 313—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to a fee schedule.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 314—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the profession of social work.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 315—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to applications.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 316—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to continuing education for social workers and providers.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 317—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to a code of ethics.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 318—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to the licensure of speech pathology and audiology.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 319—A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to the valuation of commercial and industrial real and personal property for ad valorem property tax purposes.

Referred to the Committee on Finance; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 320—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer's Office to promulgate a legislative rule relating to the enforcement of the Uniform Unclaimed Property Act.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 321—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to the organization and operation and licensing of veterinarians.

Referred to the Committee on Agriculture and Rural Development; then to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 322—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to a schedule of fees.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 323—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senators Stollings and Beach:

Senate Bill No. 324—A Bill to amend and reenact §30-5-1a and §30-5-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60A-3-301 of said code, all relating to permits for manufacture, distribution and dispensing of controlled substances; and providing boards which license persons who engage in manufacture, distribution or dispensing of controlled substances with legislative rule-making authority to set fees.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley, M. Hall, Unger, Fitzsimmons, Beach, Carmichael and Nohe:

Senate Bill No. 325—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-45-1, §16-45-2, §16-45-3, §16-45-4, §16-45-5 and §16-45-6, all relating to creating a loan forgiveness program for health professionals.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Plymale, Prezioso, Laird, Miller, Unger, Wells, Boley, Beach and Tucker:

Senate Bill No. 326—A Bill to amend and reenact §18B-1A-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-2A-3 of said code, all relating to institutional operating budgets; the West Virginia Network of Educational Telecomputing; requiring the Higher Education Policy Commission and Council for Community and Technical College Education to propose procedural rules by certain date; specifying prior approval by Legislative Oversight Commission on Education Accountability; setting forth goals and objectives for state institutions of higher education and specifying procedures for measuring attainment; designating a pilot year and requiring certain reports; specifying percentages of operating budgets to be applied to outcomes-based funding annually and designating total percentages; requiring establishment of legislative committee to advise in developing procedural rules; collecting, synthesizing and disseminating data from state institutions of higher education; directing institutional boards of governors to cooperate in certain data-related operations; and providing certain privacy protections.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Beach, Kirkendoll and Williams:

Senate Bill No. 327—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-4a, relating to school personnel; school bus operators; providing for examination by any certified state business; certification of out-of-state school bus operators; and requiring recertification every three years.

Referred to the Committee on Education; and then to the Committee on Government Organization.

By Senators Tucker and Barnes:

Senate Bill No. 328—A Bill to amend and reenact §33-31-16a of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-40-3 of said code, all relating to the financial oversight of entities regulated by the Insurance Commissioner; requiring captive insurance companies organized as risk retention groups to comply with risk-based capital for insurers' provisions and a specific state rule; and incorporating a solvency trend test for property and casualty insurance companies.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Laird, Miller, Unger, Snyder, Fitzsimmons, Beach, Barnes, Stollings and Nohe:

Senate Bill No. 329—A Bill to amend and reenact §48-9-103 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-10-403 and §48-10-502 of said code, all relating to grandparent's rights; permitting the grandparent or psychological parent to institute an action for custodial or decision-making responsibility of a child; allowing a guardian ad litem to recommend a psychological evaluation; increasing the importance of the factor considering the grandparent's significant caretaking of the child; and minimizing a parent's bias toward a grandparent as a factor.

Referred to the Committee on the Judiciary.

By Senators Unger, Beach, Williams and Nohe:

Senate Bill No. 330—A Bill to amend and reenact §15-5-6 and §15-5-19a of the Code of West Virginia, 1931, as amended, all relating to the Division of Homeland Security and Emergency Management; emergency powers of the Governor; possession of firearms during a declared state of emergency; prohibiting the seizure or confiscation of lawfully possessed firearms or the registration of such firearms or ammunition during a declared state of emergency; and providing remedies for violations of these provisions, including an action at law and awarding of attorney fees and costs for prevailing plaintiffs.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Kessler (Mr. President), Unger, Miller, Laird, D. Hall, Beach, Williams and Plymale:

Senate Bill No. 331—A Bill to amend and reenact §29-26-2, §29-26-5 and §29-26-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto eight new sections, designated §29-26-7, §29-26-8, §29-26-9, §29-26-10, §29-26-11, §29-26-12, §29-26-13 and §29-26-14, all relating to providing the West Virginia Courthouse Facilities Improvement Authority with the ability to issue bonds to raise funds for paying the costs of approved modifications or construction of courthouse facilities; defining terms; adding bond-related activities to the powers of the authority; providing that moneys from the West Virginia Courthouse Facilities Improvement Fund may be disbursed for payment of debt service on bonds; authorizing the authority to issue bonds; setting circumstances for bond issuance and potential terms of bonds; authorizing repayment of debt; permitting bonds be secured by trust agreement and setting certain parameters; permitting refunding bonds; clarifying that bonds by the authority are not a pledge of faith and credit of the state, county, municipality or other subdivision of the state; declaring bonds issued as negotiable instruments under the Uniform Commercial Code; exempting all bonds by the authority, as well as interest and income thereon,

from taxation by the state or any subdivision; declaring that certain individuals have no personal liability in relation to issuance of bonds; and granting cumulative authority for exercising certain powers, including if no bonds are issued by the authority.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senator Yost:

Senate Bill No. 332—A Bill to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17-17-7, §17-17-16 and §17-17-17 of said code, all relating to certification requirements for applicators who paint state bridges.

Referred to the Committee on Labor; and then to the Committee on Government Organization.

By Senators Sypolt, D. Hall and Williams:

Senate Bill No. 333—A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to 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, except for the third and fourth floors of the east wing of Building One.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Yost and Edgell:

Senate Bill No. 334—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3-22, relating to requiring onsite employees at certain public works construction projects to complete an Occupational Safety and Health Administration-approved ten-hour construction safety program prior to beginning work; civil penalties; and exemptions.

Referred to the Committee on Labor; and then to the Committee on the Judiciary.

By Senators Yost, Edgell and Fitzsimmons:

Senate Bill No. 335—A Bill to amend and reenact §16-2D-4 of the Code of West Virginia, 1931, as amended, relating to permitting certain hospitals to request an exemption from certificates of need for health care facilities in specific instances.

Referred to the Committee on Government Organization.

Senators Stollings and Kirkendoll offered the following resolution:

Senate Concurrent Resolution No. 3—Requesting the Division of Highways to name bridge number 3-3-2.96 on Route 3 in Boone County the “Army Sergeant Junior Elwood Dunlap Memorial Bridge”.

Whereas, Sergeant Dunlap enlisted in the United States Army on January 1, 1949; and

Whereas, Sergeant Dunlap was captured during the Korean War while serving as a sergeant with Tank Company, Second Infantry Division’s 38th Regiment on November 1, 1950, the second in the famous Indian Head Division that was the hardest hit out of the Korean Battle Front; and

Whereas, Sergeant Dunlap was held captive for thirty-two months and returned home in August 1953 when he was twenty-four years old; and

Whereas, Sergeant Dunlap was married to Lillian Barrickman, raised four children and had nine grandchildren, six great-grandchildren and one great-great-grandchild; and

Whereas, Sergeant Dunlap spoke numerous times at high schools, universities and public events regarding his experiences in Korea and the honor of serving one’s country; and

Whereas, Sergeant Dunlap passed away at age seventy-seven on December 24, 2006; and

Whereas, It is fitting to honor Sergeant Dunlap for his commitment, dedication and service to his country and his state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 3-3-2.96 on Route 3 in Boone County the “Army Sergeant Junior Elwood Dunlap Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Army Sergeant Junior Elwood Dunlap 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 Secretary of the Department of Transportation and the family of the late Sergeant Junior Elwood Dunlap.

Which, under the rules, lies over one day.

Senators Stollings, Green, D. Hall and Kirkendoll offered the following resolution:

Senate Concurrent Resolution No. 4—Requesting the Division of Highways to name the Falling Rock Bridge in Boone County, bridge number 3-1-8.75, the “James ‘Eddie’ Mooney Memorial Bridge”.

Whereas, James “Eddie” Mooney was born on December 19, 1958; and

Whereas, James “Eddie” Mooney lived in Ashford, Boone County, West Virginia; and

Whereas, James “Eddie” Mooney attended Sherman High School in Seth, West Virginia; and

Whereas, James “Eddie” Mooney was a loving husband to his high school sweetheart, Sheila Kirk Mooney, for thirty-three years; and

Whereas, James “Eddie” Mooney was a loving dad to his children Misty Case and Austin Mooney; and

Whereas, James “Eddie” Mooney loved life and loved to laugh; and

Whereas, James “Eddie” Mooney enjoyed taking his son hunting and fishing, and enjoyed camping and four-wheeling; and

Whereas, James “Eddie” Mooney was a member of Rumble Community Baptist Church; and

Whereas, James “Eddie” Mooney was a lifelong coal miner; and

Whereas, James “Eddie” Mooney lost his life at the age of fifty-one, on April 5, 2010, in Raleigh County, one of the twenty-nine miners who died in the Upper Big Branch Mine disaster; and

Whereas, It is fitting and proper that the memory of James “Eddie” Mooney be honored by naming the Falling Rock Bridge in Boone County, bridge number 3-1-8.75, the “James ‘Eddie’ Mooney Memorial Bridge”; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the Falling Rock Bridge in Boone County, bridge number 3-1-8.75, the “James ‘Eddie’ Mooney 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 “James ‘Eddie’ Mooney 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 Secretary of the Department of Transportation and to the surviving family of James “Eddie” Mooney.

Which, under the rules, lies over one day.

Senators Yost and Edgell offered the following resolution:

Senate Concurrent Resolution No. 5—Requesting the Division of Highways to name the Reader Bridge in Wetzel County, bridge number 52-48-0.01, the “Sgt. Norman R. Cunningham Memorial Bridge”.

Whereas, Sgt. Norman R. Cunningham was born on September 11, 1926, in Rymer, Marion County, West Virginia; and

Whereas, Sgt. Cunningham attended Pine Grove High School; and

Whereas, Sgt. Cunningham was drafted in 1944, at the age of 18, into the United States Army’s 77th Infantry Division; and

Whereas, Sgt. Cunningham became a member of the Army Air Corps and served during World War II until 1947, including at Okinawa and Yokohama, Japan; and

Whereas, During Sgt. Cunningham’s service in Japan, he attempted to save the lives of two young girls from drowning, and was recognized by the community for his efforts; and

Whereas, Sgt. Cunningham returned home and married Martha Lou Brown of Piney, West Virginia, on January 17, 1948; and

Whereas, Sgt. Cunningham reenlisted in the United States Air Force in 1951, and went on to serve in the Korean War with the 2750th Medical Group in France and the 75th Transport Squadron; and

Whereas, After leaving the military in 1953, Sgt. Cunningham worked for Consolidated Natural Gas for over thirty-five years until his retirement; and

Whereas, Sgt. Cunningham also operated a meat cutting, wrapping and storage business in Reader, and often provided his services free of charge to those who could not afford them; and

Whereas, In 1969, Sgt. Cunningham received an award from the American Red Cross for saving the life of a Reader, West Virginia, girl after nearly drowning in Fishing Creek, just below the Reader Bridge; and

Whereas, Sgt. Cunningham was known to all who knew and loved him as Mr. Haney, because he enjoyed buying, selling and trading anything and everything; and

Whereas, Sgt. Cunningham was an active member of Trinity United Methodist Church of Reader and a member of the Benton M. Lowe Post 81 American Legion of Pine Grove; and

Whereas, Sgt. Cunningham passed away in January, 2013, leaving behind his beloved wife, five children, thirteen grandchildren and fifteen great-grandchildren; and

Whereas, It is fitting and proper that the military service of Sgt. Cunningham, his service to the Reader community and his life-saving rescue under the Reader Bridge be honored by naming the Reader Bridge in Wetzel County, bridge number 52-48-0.01, the “Sgt. Norman R. Cunningham Memorial Bridge”; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the Reader Bridge in Wetzel County, bridge number 52-48-0.01, the “Sgt. Norman R. Cunningham 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 “Sgt. Norman R. Cunningham 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 Secretary of the Department of Transportation and to the surviving family of Sgt. Norman R. Cunningham.

Which, under the rules, lies over one day.

Senators Plymale, Jenkins, Kessler (Mr. President), Unger, Snyder, Miller, Laird, Fitzsimmons, McCabe, D. Hall, Cole, Carmichael, Williams, Prezioso, Stollings and Chafin offered the following resolution:

Senate Resolution No. 15—Designating February 20, 2013, as “Marshall University Day”.

Whereas, The year 2013 marks the 176th anniversary of Marshall University, the oldest institution of higher education in West Virginia, founded in 1837 as Marshall Academy in honor of Chief Justice John Marshall; and

Whereas, Marshall University is one of the state’s premier institutions of higher education and educates more than 14,000 students at campuses in Huntington, Point Pleasant, South Charleston, Beckley, Logan and Gilbert; and

Whereas, Marshall University offers degrees at the associate, baccalaureate, master’s and doctoral levels; and

Whereas, Marshall University this year met its goal of raising \$15 million in private donations for research which, along with the match from the Bucks for Brains West Virginia Research Trust Fund, has resulted in the creation of sixteen new research endowments and a fifteen-percent increase in the university's overall endowment; and

Whereas, Marshall University this year added 107 new professional students in its inaugural Physical Therapy and School of Pharmacy programs; and

Whereas, Marshall University has built a national reputation for research in biotechnology, forensics and medicine; and

Whereas, With every dollar the state invests in Marshall University, the university generates nearly \$20 spent in the West Virginia economy, resulting in an estimated economic output of \$1.5 billion per year; and

Whereas, The Robert C. Byrd Institute for Advanced Flexible Manufacturing serves all fifty-five state counties providing expertise to manufacturers across West Virginia; and

Whereas, The Nick J. Rahall, II Appalachian Transportation Institute of Marshall University is setting national standards in transportation; and

Whereas, Marshall University's Health Sciences train hundreds of West Virginians to serve as doctors, nurses, therapists and health technicians each year; and

Whereas, Marshall University graduates number nearly 91,000 across the globe; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 20, 2013, as "Marshall University Day"; and, be it

Further Resolved, That the Senate hereby recognizes Marshall University for its tremendous contributions to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Stephen J. Kopp, President of Marshall University.

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

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

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Jenkins, and by unanimous consent, returned to the second order of business and the introduction of guests.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 74, Replacing “other infamous offense” term relating to jury service disqualification.

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

At the request of Senator Chafin, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motion of Senator Chafin, the following amendment to the bill was reported by the Clerk:

On page six, section five-a, after line eighty-six, by adding a new subsection, designated subsection (e), to read as follows:

(e) Upon the clerks’s receipt of the juror qualification questionnaires of persons selected as prospective petit jurors, he or she shall make the questionnaires of the persons so selected

available, upon request, to counsel of record in the trial or trials for which the persons have been selected as prospective jurors.

Senator Sypolt arose to a point of order that Senator Chafin's amendment to the bill (Eng. Com. Sub. for S. B. No. 74) was not germane to the bill.

Which point of order, the President ruled not well taken.

The question now being on the adoption of Senator Chafin's amendment to the bill, the same was put and prevailed.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill No. 74 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 74) passed.

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

Eng. Com. Sub. for Senate Bill No. 74—A Bill to amend and reenact §52-1-5a and §52-1-8 of the Code of West Virginia, 1931,

as amended, all relating to redefining the basis for disqualification of prospective jurors to include those who have been convicted of any crime punishable by imprisonment in excess of one year, perjury or false swearing; and requiring clerks to provide copies of certain juror qualification questionnaires to counsel of record upon request.

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

Eng. Com. Sub. for Senate Bill No. 116, Relating to crimes against property involving graffiti.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 116) passed with its title.

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

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Miller.

Thereafter, at the request of Senator Stollings, and by unanimous consent, the remarks by Senator Miller were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Thursday, February 21, 2013, at 11 a.m.

THURSDAY, FEBRUARY 21, 2013

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend David W. Johns, Winfield Baptist Church, Winfield, West Virginia.

Pending the reading of the Journal of Wednesday, February 20, 2013,

On motion of Senator Cole, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2434—A Bill to amend and reenact §50-1-3, §50-1-8, §50-1-9 and §50-1-9a of the Code of West Virginia, 1931, as amended, all relating generally to the magistrate court system; providing compensation for magistrates, magistrate assistants, magistrate court clerks and magistrate court deputy clerks; and authorizing judges to appoint magistrate court clerks in certain circumstances.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

The Senate proceeded to the fourth order of business.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 55, Exempting homeowners' association dues, fees and assessments from consumers sales and service tax.

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

Com. Sub. for Senate Bill No. 55 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9o, relating generally to consumers sales and service tax liability of homeowners' associations and their members; and exempting from consumers sales and service tax liability the dues, fees and assessments paid by members to homeowners' associations which are to be used by the homeowners' association

acting in its representative capacity for all members to purchase for the members, rather than sell to the members, such goods and services.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

The bill (Com. Sub. for S. B. No. 55), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 60, Providing publication of name change application follows filing of petition.

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

Com. Sub. for Senate Bill No. 60 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §48-25-101 of the Code of West Virginia, 1931, as amended, relating to requiring the name-change notice to be published after the filing of the petition; requiring the notice published to include the name to which the petitioner's name will be changed; and providing an exception to the inclusion of the name in the publication.

And,

Senate Bill No. 76, Conforming WV code to federal requirements relating to presidential election voting.

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

Com. Sub. for Senate Bill No. 76 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-1-3a of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-3-1 of said code, all relating to voting for President and Vice President; permitting voters who have moved from the state to vote for President and Vice President in certain circumstances; requiring voters who move from the state and vote for President and Vice President in the state to be removed from the voter rolls thereafter; allowing persons who move to the state to vote for President and Vice President in certain circumstances; and permitting voters to obtain an absentee ballot for President and Vice President only in certain circumstances.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 75, Increasing salaries of State Police civilian and forensic lab employees.

And,

Senate Bill No. 125, Permitting Monongalia County Commission to levy special district excise tax.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 82, Requiring rate-paying residential customer on public service board.

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

Respectfully submitted,

Herb Snyder,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 85, Permitting filing of bond in escrow to cover mechanic's lien.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Stollings, Wells, Plymale, Barnes, Beach, Unger, Palumbo, Kessler (Mr. President) and Jenkins:

Senate Bill No. 336—A Bill to repeal §55-7-19 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2-25a; to amend and reenact §29-12-5a of said code; and to amend and reenact §55-7-15 of said code, all relating to establishing protocols and protections to limit and treat injury to youth athletes and students; making findings with respect to concussions; defining certain terms; requiring Secondary School Activities Commission promulgate rules addressing concussions and head injuries; specifying certain minimum provisions of rules; requiring inclusion of volunteer workers and student teachers under the professional

and liability coverage provided to county school boards by Board of Risk and Insurance Management; including licensed health care professional within term “volunteer worker” with certain conditions and limiting civil liability; including medical assistance rendered by licensed medical professional without remuneration to youth athlete as equivalent to emergency care at scene of accident or medical emergency for protection from liability for civil damages; and including scheduled practices within term “event”.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

By Senators Palumbo, Beach, Fitzsimmons, Kirkendoll, Tucker, Williams and Nohe:

Senate Bill No. 337—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-9B-1, §15-9B-2 and §15-9B-3, all relating to establishing a regulatory system for sexual assault forensic examinations; requiring the creation of the Sexual Assault Forensic Examination Commission; setting forth its powers and responsibilities; setting forth its membership; requiring county prosecutors to convene and chair local Sexual Assault Forensic Examination boards; and authorizing rulemaking.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Palumbo, Beach, Kirkendoll, Tucker, Williams, Nohe and McCabe:

Senate Bill No. 338—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-27, relating to the liability of a possessor of real property for harm to a trespasser.

Referred to the Committee on the Judiciary.

By Senator Beach:

Senate Bill No. 339—A Bill to amend and reenact §29-22-18a of the Code of West Virginia, 1931, as amended, relating to requiring that a sum certain be deposited into the Education Improvement Fund for appropriation by the Legislature to the PROMISE Scholarship Fund to provide tuition and fees for PROMISE scholarships at public institutions for fiscal year 2014.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Stollings, Kessler (Mr. President), Jenkins, Unger, Laird, Prezioso, Palumbo, Plymale, Beach, M. Hall, Nohe, Fitzsimmons, Miller, Tucker and McCabe:

Senate Bill No. 340—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22c, relating to allowing schools to voluntarily maintain and use epinephrine auto-injectors; providing for the administration of an auto-injector by a school nurse or other trained and authorized nonmedical school personnel for emergency care or treatment of anaphylactic reactions; allowing the issuance of standing orders and protocols by physicians to schools to obtain epinephrine auto-injectors; setting forth notice requirements; allowing students who self inject to use the school supply of epinephrine auto-injectors; setting forth immunity from liability for school nurses and trained and authorized nonmedical school personnel; allowing county school boards to participate in free or discounted manufacturer-sponsored pharmaceutical programs to obtain epinephrine auto-injectors; providing for data collection and reporting requirements; and setting forth rule-making authority to effectuate the provisions of the section.

Referred to the Committee on Health and Human Resources; and then to the Committee on Education.

By Senators Miller, Williams, Laird, Nohe and D. Hall:

Senate Bill No. 341—A Bill to repeal §19-17-5, §19-17-6, §19-17-

7, §19-17-8, §19-17-10 and §19-17-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-17-1, §19-17-2, §19-17-3 and §19-17-4 of said code, all relating to requiring livestock be enclosed by a fence; requiring adjoining landowners to pay for a just proportion of partition fences; encouraging adjoining landowners to have written agreements; requiring written notice to adjoining landowners before a fence may be constructed or repaired; providing an exception for emergencies; providing that an adjoining landowner may give a written response; providing that when a landowner does not respond he or she is responsible for a just proportion of the costs; permitting civil actions; and authorizing promulgation of rules and emergency rules.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 342—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-21-1, §31-21-2, §31-21-3, §31-21-4, §31-21-5, §31-21-6, §31-21-7, §31-21-8, §31-21-9, §31-21-10, §31-21-11, §31-21-12, §31-21-13, §31-21-14, §31-21-15, §31-21-16, §31-21-17, §31-21-18, §31-21-19, §31-21-20 and §31-21-21, all relating to authorizing the creation of a public nonprofit corporation and governmental instrumentality under the provisions of article two, chapter thirty-one-e of said code, to collectively address several environmental and economic development programs established to promote the productive reuse of idled and underutilized commercial, industrial and mining properties, support more efficient use of existing public infrastructure and encourage increased job creation with living wages, renewed community vitality and tax revenue generation while protecting public health and our natural resources; providing short title; declaring policy and purpose of article; defining terms; creating West Virginia Land Stewardship Corporation; stating certain tax requirements; setting forth powers and limitations of West Virginia Land Stewardship Corporation; providing for board

of directors and composition of same; providing for creation of voluntary land stewardship program; providing for underwriting review of land stewardship program applicants; authorizing establishment of state certified sites program; setting forth minimum standards for certification under state certified sites program; authorizing establishment of voluntary state land bank program; permitting land stewardship corporation to preserve property value of properties held by land stewardship corporation; providing requirements for handling of contaminated properties by land stewardship corporation; providing for liberal construction of article; exempting corporation from state and local taxes; requiring audits and biannual reports; providing procedure for dissolution of land stewardship corporation upon completion of purpose; providing provision for conflict of interest of land stewardship corporation officers, employees and board members; stating preservation of sovereign immunity; providing that obligations of land stewardship corporation are not obligations of the Department of Environmental Protection or the state; and providing for severability.

Referred to the Committee on Economic Development; and then to the Committee on Government Organization.

By Senators Williams, Fitzsimmons, Yost, Beach and Tucker:

Senate Bill No. 343—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-5b, relating to reallocating and dedicating three percent of oil and gas severance tax revenues up to \$20 million annually to the oil- and gas-producing counties of origin and their respective municipalities; establishing state and local oil and gas county reallocated severance tax funds and providing for distribution of the moneys to the county commissions and governing bodies of the municipalities by the State Treasurer; establishing amounts each oil- and gas-producing county and their respective municipalities are to receive; requiring the creation of local funds into which moneys are to be deposited; requiring moneys be expended solely

for economic development projects and infrastructure projects; providing definitions; providing restrictions on the expenditure of moneys; providing duties of State Tax Commissioner; requiring report of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; and authorizing legislative and emergency rules.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senator Plymale:

Senate Bill No. 344—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-26a, relating to requiring meetings among certain officials of county boards of education belonging to the same regional education service agency; establishing what those meetings are to accomplish; requiring notice; setting forth the responsibilities of county and state education officials; permitting input from organizations having an interest in education; requiring reports; approving training; and providing a limitation.

Referred to the Committee on Education.

Senators Kirkendoll, Beach, Cann, Chafin, Cole, Edgell, D. Hall, Jenkins, McCabe, Miller, Plymale, Stollings, Kessler (Mr. President), Unger and Yost offered the following resolution:

Senate Concurrent Resolution No. 6—Requesting the Division of Highways to name Brinkley Bridge, bridge number 50-152-30.81 on County Route 152 in Wayne County, the “Wayne County Veterans Memorial Bridge”.

Whereas, Countless numbers of proud residents of Wayne County have answered their country’s call to duty by serving in all branches of the military; and

Whereas, These veterans have faithfully protected their country in military actions around the globe; and

Whereas, Many of these veterans have made the ultimate sacrifice; and

Whereas, Veterans have returned home to Wayne County where they continue to be valuable members of their communities; and

Whereas, It is fitting to honor Wayne County veterans for their commitment, dedication and service to their country and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Brinkley Bridge, bridge number 50-152-30.81 on County Route 152 in Wayne County, the “Wayne County Veterans Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Wayne County Veterans 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 Secretary of the Department of Transportation and Robert E. Pasley, President, Wayne County Commission.

Which, under the rules, lies over one day.

Senators Stollings, Kessler (Mr. President), Unger, Yost and Plymale offered the following resolution:

Senate Resolution No. 16—Recognizing the Blue Ridge Chapter of the National Multiple Sclerosis Society and designating the week of March 11-17, 2013, as Multiple Sclerosis Awareness Week.

Whereas, Multiple sclerosis is a chronic, often disabling disease of the central nervous system that affects approximately 4,000 people in West Virginia; and

Whereas, Most people with multiple sclerosis are diagnosed between the ages of 15 and 50 but the unpredictable physical and emotional effects can be lifelong; and

Whereas, Studies show that early and ongoing treatment with an FDA-approved therapy can reduce future disease activity and improve the quality of life for many people with multiple sclerosis; and

Whereas, Multiple sclerosis is a disease that not only affects the person with the condition, but also greatly impacts family, friends and the community; and

Whereas, The exact cause of multiple sclerosis is still unknown, and there is no known cure; and

Whereas, The symptoms of multiple sclerosis may be mild such as numbness in the limbs, or severe, such as paralysis or loss of vision; and

Whereas, Every hour of every day, someone is newly diagnosed with multiple sclerosis; and

Whereas, The National Multiple Sclerosis Society envisions a world free of multiple sclerosis; and

Whereas, The Blue Ridge Chapter of the National Multiple Sclerosis Society provides West Virginia residents with programs and services to address the challenges of everyone affected by multiple sclerosis; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Blue Ridge Chapter of the National Multiple Sclerosis Society and designates the week of March 11-17, 2013, as Multiple Sclerosis Awareness Week; and, be it

Further Resolved, That the Senate extends its sincere appreciation to the members of the Blue Ridge Chapter of the National Multiple Sclerosis Society for its many contributions to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of the Blue Ridge Chapter of the National Multiple Sclerosis Society.

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

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

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

Senators Plymale, Kessler (Mr. President), Unger, Yost, Stollings, Cole, Chafin and Jenkins offered the following resolution:

Senate Resolution No. 17—Congratulating the Wayne High School football team for winning the 2012 West Virginia State AA Championship.

Whereas, The Pioneers completed an amazing 2012 football season, finishing with a perfect record of 14-0 and winning their second consecutive Class AA state championship; and

Whereas, The Pioneers are led by head coach Tom Harmon, and assistant coaches Ty Harmon, David Adkins, Wade Williamson,

Shawn Ross, Nick Newell, Ted Williamson and Doug Shilot and trainer Jason Eaches; and

Whereas, The Pioneers team consists of players Brandon Spurlock, Dustin Tombin, Mason Hodge, Zack Cassidy, Dwight Blankenship, Michael Perry, Kade Sebastian, Nathan Spurlock, Grant Ferguson, Brody Lunsford, Kyler Atkins, Nathan Adkins, John Osborne, Chandler Fry, Cody Stiltner, Marcus Webb, Kurt Langdon-Arthur, Michael Osborne, Logan Queen, Chris Darby, Ben Thompson, James Egnor, Brian Robertson, Taylor Maynard, Johnathan Adkins, Zach Damron, Tucker Watts, Brayden Baker, Marley Webb, Andrew Stamper, Caleb Lovejoy, Tyler Adkins, Seth Napier, Alex Jackson, Joey Williamson, MacKenzie Beckett, Tristen Nelson, Josh Mitts, Ryan Watts, Curtis Folioway, Yosef Finton, Anthony Bryant, John Ward, Brandon Mullett, Justin Crockett, J. C. Maynard, Matt Queen, Colin Kelly, Corey Ferguson, Matt Henderson, Alex Elkins, Dale Bryant, Paul Langdon, Jordan Clay, Randall Vance, Kevin Ramey, Justin Loving, Nick Harmon, Jacob Berry, Larry Meddings, Austin Hale, Austin Pyles, Jacob Maynard, Dustin Hatfield, Brett Justice, Colton Farley, Casey Brooks and Joel Mullins; and

Whereas, The Pioneers displayed their strong will and determination for an entire season and will be remembered as one of the best teams ever assembled in West Virginia high school football history; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Wayne High School football team for winning the 2012 West Virginia State AA Championship; and, be it

Further Resolved, That the Senate acknowledges the dedication and commitment of each individual coach and player, which resulted in the Pioneers winning their second consecutive West Virginia State AA Football Championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Wayne High School football team.

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

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

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

Senators D. Hall, Green, Kessler (Mr. President), Unger, Yost, Stollings, Cole and Plymale offered the following resolution:

Senate Resolution No. 18—Congratulating the Wyoming East Warriors baseball team for winning the 2012 West Virginia Class AA State Championship.

Whereas, The Warriors had an amazing year, compiling a record of 29-5 during the regular season and winning the 2012 West Virginia Class AA State Championship; and

Whereas, The Warriors closed the season in dominant fashion with eight straight wins, in route to winning the first ever baseball state championship for Wyoming County; and

Whereas, The Warriors are coached by Ron “Chief” Mayhew and assistants Kevin Hedinger, Chris Mayhew and Jeff Simmons, and are supported by statistician Gwen Mayhew; and

Whereas, The Warriors team consists of players Jarrett Caldwell, Travis McKinney, Brian Lusk, Derek Thornton, Zach Whitten, Austin Canada, Christian Hedinger, Derek Laxton, Josh Zeboskey, J. R. Haynes, Tyler Liddle, Devan Blankenship, Derek Browning, Michael Browning, Chase Presley, Jonathan Culcierto, Jacob Dulcie, David Powers, Hunter Simmons and Tristan Toler; and

Whereas, The Warriors displayed their strong will and determination for an entire season and are a shining example of what can be accomplished through teamwork, dedication and commitment; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Wyoming East Warriors baseball team for winning the 2012 West Virginia Class AA State Championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Wyoming East Warriors baseball team.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

Senate Concurrent Resolution No. 3, Requesting DOH name bridge in Boone County “Army Sergeant Junior Elwood Dunlap Memorial Bridge”.

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

Senate Concurrent Resolution No. 4, Requesting DOH name bridge in Boone County “James ‘Eddie’ Mooney Memorial Bridge”.

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

Senate Concurrent Resolution No. 5, Requesting DOH name bridge in Wetzel County “Sgt. Norman R. Cunningham Memorial Bridge”.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill No. 71, Requiring descriptions of easements and rights-of-way include width in addition to centerline; exception.

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

Com. Sub. for Senate Bill No. 145, Amending election complaint procedures.

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

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

The Senate then proceeded to the thirteenth order of business.

Senator Unger called attention to today being the birthday of the senator from Wayne and on behalf of the Senate extended felicitations and good wishes to Senator Plymale, with Senator Cole leading the members in singing “Happy Birthday”.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Friday, February 22, 2013, at 11 a.m.

FRIDAY, FEBRUARY 22, 2013

The Senate met at 11 a.m.

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

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

Pending the reading of the Journal of Thursday, February 21, 2013,

On motion of Senator Blair, the Journal was approved and the further reading thereof dispensed with.

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

The Clerk presented a communication from the Commission on Special Investigations, submitting its annual report as required by chapter four, article five, section two of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Senate proceeded to the fourth order of business.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 52, Relating to Rural Health Initiative Act.

And,

Senate Bill No. 177, Assessing excessive tardiness penalties for certain public school students.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Robert H. Plymale,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Finance.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 101, Relating to nursing home liability.

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

Com. Sub. for Senate Bill No. 101 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-5C-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that actions brought for damages for injuries suffered in a nursing home are subject to the same liability limitations as other medical professional liability actions.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

The bill (Com. Sub. for S. B. No. 101), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 108, Creating Unintentional Pharmaceutical Drug Overdose Fatality Review Team.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Ron Stollings,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Government Organization.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Unger, Kessler (Mr. President), Miller, Williams, Boley, Beach, Snyder, Cann, D. Hall, Jenkins, Yost, Stollings, Plymale, Fitzsimmons, Tucker and Wells:

Senate Bill No. 345—A Bill to amend and reenact §15-2-3 and §15-2-5 of the Code of West Virginia, 1931, as amended, all relating to maintaining a minimum of eight hundred state troopers by July

1, 2018; and requiring members of the West Virginia State Police to receive a \$580 salary increase at the beginning of their first year of service.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Snyder, Miller, Green, Sypolt, D. Hall and Williams:

Senate Bill No. 346—A Bill to amend and reenact §30-38-7 and §30-38-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-38A-1, §30-38A-2, §30-38A-3, §30-38A-4, §30-38A-5, §30-38A-6, §30-38A-7, §30-38A-8, §30-38A-9, §30-38A-10, §30-38A-11, §30-38A-12, §30-38A-13, §30-38A-14, §30-38A-15 and §30-38A-16, all relating to requiring appraisal management companies to be registered with the West Virginia Real Estate Appraiser Licensing and Certification Board; updating the duties, powers and rule-making authority of the board; unlawful acts; applicable law; definitions; requirements for registration, including written applications, verifications and background checks; requiring surety bonds; duties of appraisal management companies; prohibited acts; disciplinary action; hearing and notice procedures; and civil penalties.

Referred to the Committee on Government Organization.

By Senators Snyder, Miller, Green, Sypolt, Unger and Fitzsimmons:

Senate Bill No. 347—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6C-3-2a, relating to requiring the Public Employees Grievance Board to provide training seminars for chief administrators and persons who conduct level one hearings and conferences under the public employees' grievance process.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Yost and Fitzsimmons:

Senate Bill No. 348—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Fairness in Competitive Bidding Act, specifically to lower the threshold amount, from \$500,000 to \$100,000, for triggering a low bidder's duty to submit list of subcontractors on government contracts.

Referred to the Committee on Labor; and then to the Committee on Government Organization.

By Senators Cookman, Snyder, Yost, Plymale, McCabe, Fitzsimmons and Wells:

Senate Bill No. 349—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-4, relating to state responsibilities for the protection and care of children; requiring the West Virginia Department of Health and Human Resources, Child Protective Services and the West Virginia Division of Juvenile Services to develop, coordinate and implement the Child and Adolescent Needs and Strengths (CANS) evaluation developed by the Buddin Praed Foundation as the accepted system for outcomes evaluation in the State of West Virginia; requiring the West Virginia Department of Health and Human Resources to adopt certain rules and procedures to require staff members of residential and other out-of-home child care programs to meet qualifications; definitions; and requiring reports to the Governor and Legislature.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Unger, Fitzsimmons and Beach:

Senate Bill No. 350—A Bill to amend and reenact §3-3-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-9-9 of said code, all relating to prohibiting electioneering within three hundred feet of the outside entrance to a building housing the polling place during designated hours when early in-person voting is conducted.

Referred to the Committee on the Judiciary.

By Senators Unger and Beach:

Senate Bill No. 351—A Bill to amend and reenact §29-6-27 of the Code of West Virginia, 1931, as amended, relating to donation of sick leave for certain eligible employees.

Referred to the Committee on Government Organization.

By Senator Unger:

Senate Bill No. 352—A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended, relating to mandatory disclosure of a substantial danger of harm to a person by a mental health patient or client.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Unger:

Senate Bill No. 353—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-5C-1, §15-5C-2, §15-5C-3 and §15-5C-4, all relating to establishing the First Informer Broadcasters Act; defining terms; permitting broadcasters to develop emergency response plans; permitting broadcasters to train and certify certain personnel to be first informer broadcasters; setting forth what training and certification plans must contain; and requiring, to the extent practicable, government agencies to allow first emergency broadcasters access to emergency areas to repair equipment critical to their emergency broadcasting responsibilities.

Referred to the Committee on Government Organization.

By Senators Plymale, Kessler (Mr. President), Cann, Stollings, Fitzsimmons, Tucker and McCabe:

Senate Bill No. 354—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§17-2A-8d, relating to directing the Commissioner of Highways to conduct a study on alternative revenue mechanisms for development and maintenance of state roads and highways; making legislative findings and specifying intent; requiring a study and specifying study design; authorizing pilot projects and interagency cooperation; and requiring report and recommendations by certain date.

Referred to the Committee on Transportation and Infrastructure.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 355—A Bill to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, relating to the time final wages are required to be paid to discharged employees; authorizing payment by mail if requested by the employee; providing that employers pay an employee all wages he or she earned at the time of quitting if the employee gives written notice of his or her intention to quit at least one pay period before quitting; and making other technical changes.

Referred to the Committee on Labor; and then to the Committee on the Judiciary.

By Senators Snyder, Unger, Plymale, Beach and Williams:

Senate Bill No. 356—A Bill to amend and reenact §15-2-5 and §15-2-7 of the Code of West Virginia, 1931, as amended, all relating to the State Police; increasing the salary of forensic lab employees \$10,000 per year; and increasing the salary of general civilian employees \$4,000 per year.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Tucker and Barnes:

Senate Bill No. 357—A Bill to amend and reenact §7-18-3 of the Code of West Virginia, 1931, as amended, relating to including

commercial campsites in the definition of “hotel” for the purposes of the hotel occupancy tax.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

Senators Unger, D. Hall, Yost, Fitzsimmons, Beach, Tucker and Williams offered the following resolution:

Senate Concurrent Resolution No. 7—Designating the Hall Flintlock Model 1819 as the official state firearm.

Whereas, The United States Constitution gives citizens the right to bear arms in defense of themselves and their country; and

Whereas, No firearm has been designated as the official state firearm for the State of West Virginia; and

Whereas, The Hall Flintlock Model 1819 was manufactured in Harpers Ferry by John H. Hall; and

Whereas, The Hall Flintlock Model 1819 was adopted for use by the United States Army in 1819; and

Whereas, The Hall Flintlock Model 1819 was the first breech-loading rifle to be adopted by any nation’s military; and

Whereas, The Hall Flintlock Model 1819 was still in use during the United States Civil War; and

Whereas, The designation of such a state firearm would aid in the promotion of West Virginia history; and

Whereas, Other states have designated an official state firearm; therefore, be it

Resolved by the Legislature of West Virginia:

That the Hall Flintlock Model 1819 be designated as the official state firearm; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Governor and the schools of this state.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 6, Requesting DOH name bridge in Wayne County “Wayne County Veterans Memorial Bridge”.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 71, Requiring descriptions of easements and rights-of-way include width in addition to centerline; exception.

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

Com. Sub. for Senate Bill No. 145, Amending election complaint procedures.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill No. 60, Relating to name-change notice publication requirements.

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

Com. Sub. for Senate Bill No. 76, Permitting certain voters who have moved to vote for President and Vice President.

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

Senate Bill No. 82, Requiring rate-paying residential customer on public service board.

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

Pending announcement of meetings of standing committees of the Senate, including a majority party caucus,

On motion of Senator Unger, the Senate adjourned until Monday, February 25, 2013, at 1 p.m.

MONDAY, FEBRUARY 25, 2013

The Senate met at 1 p.m.

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

Prayer was offered by the Reverend Dan Pruitt, Trinity Temple Pentecostal Holiness Church, Welch, West Virginia.

Pending the reading of the Journal of Friday, February 22, 2013,

On motion of Senator Walters, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2471—A Bill to amend and reenact §15-5-6 and §15-5-19a of the Code of West Virginia, 1931, as amended, all relating to exercise of restricted state and local authority during a declared state of emergency; possession of firearms during a declared state of emergency; prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency; clarifying scope of right to seize or confiscate otherwise lawfully-possessed firearm during a declared state of emergency; providing exceptions thereto; providing a remedy at law and equity for a violations of this article for the improper seizure of firearms or ammunition during a declared state of emergency; providing a cause of action for the return of the ammunition and firearms seized in violation of these proscriptions; establishing a venue for actions; and providing for the award of costs and attorney fees to a prevailing plaintiff.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Jenkins, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill No. 230, Authorizing CPRB promulgate legislative rule relating to general provisions.

And,

Senate Bill No. 232, Authorizing CPRB promulgate legislative rule relating to Teachers Retirement System.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Evan H. Jenkins,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Jenkins, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill No. 233, Authorizing CPRB promulgate legislative rule relating to Public Employees Retirement System.

And has amended same.

And,

Senate Bill No. 234, Authorizing CPRB promulgate legislative rule relating to State Police.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Evan H. Jenkins,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary, with amendments from the Committee on Pensions pending.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Jenkins, Plymale, Chafin and McCabe:

Senate Bill No. 358—A Bill to amend and reenact §8-22-18a, §8-22-19a and §8-22-25 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §8-22-18c; and to amend and reenact §8-22A-4 of said code, all relating to municipal policemen and firemen pensions; providing additional investigatory and legal powers and duties of the West Virginia Municipal Pensions Oversight Board; requiring certain notice of lawsuit to the West Virginia Municipal Pensions Oversight Board; limiting certain court orders under certain circumstances; clarifying refunds to members; clarifying circumstances in which a member may retire when the member's service has been interrupted by duty with the armed forces of the United States; and extending the cut-off date for the West Virginia Municipal Police Officers and Firefighters Retirement System plan to 2017.

Referred to the Committee on Pensions; and then to the Committee on Government Organization.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 359—A Bill to repeal §18-2-23a and §18-2-32 of

the Code of West Virginia, 1931, as amended; to repeal §18-2E-5c of said code; to repeal §18-2I-6 and §18-2I-7 of said code; to repeal §18A-3A-2a and §18A-3A-6 of said code; to amend and reenact §18-2-24 of said code; to amend said code by adding thereto a new section, designated §18-2-39; to amend and reenact §18-2E-5 of said code; to amend and reenact §18-2I-1, §18-2I-2, §18-2I-3, §18-2I-4 and §18-2I-5 of said code; to amend and reenact §18-3-1 and §18-3-12 of said code; to amend and reenact §18-5-18, §18-5-44 and §18-5-45 of said code; to amend and reenact §18-5A-5 of said code; to amend and reenact §18A-2-7 of said code; to amend said code by adding thereto two new sections, designated §18A-3-1d and §18A-3-1e; to amend and reenact §18A-3-2a of said code; to amend and reenact §18A-3A-1, §18A-3A-2 and §18A-3A-3 of said code; to amend and reenact §18A-4-2a, §18A-4-7a, §18A-4-8 and §18A-4-14 of said code; to amend and reenact §18A-5-2 of said code; to amend and reenact §18C-4-1, §18C-4-2 and §18C-4-4 of said code; and to amend said code by adding thereto three new sections, designated §18C-4-2a, §18C-4-3a and §18C-4-6, all relating to transforming and improving public education; removing outdated language; requiring the State Board of Education, the Higher Education Policy Commission and the Council for Community and Technical College Education to collaborate in formally adopting uniform and specific college- and career-readiness standards for English/language arts and math; providing methods for determining whether students have met the college- and career-readiness standards; requiring that an explicit focus be embedded in each course on the development of English/language arts and math skills; requiring a twelfth-grade transitional course for both English/language arts and math for students not on track to be college ready; requiring professional development on teaching the college- and career-readiness standards to be included in the state board's Master Plan for Professional Staff Development; requiring the state board to require all teacher preparation programs to include appropriate training for teaching adopted standards in at least grades eight through twelve; requiring the use of certain assessments, exams or tests for determining whether a student is eligible for a remedial course; requiring accountability for

increasing the percentage of students who meet the standards and for increasing the percentage of students who are making adequate progress toward meeting the standards; deleting requirement that a school or school system that achieves adequate yearly progress is eligible for no less than full accreditation or approval status as applicable; eliminating obsolete Process for Improving Education Council; establishing new criteria for state accreditation of public schools; removing obsolete language; allowing for college- and career-readiness standards to be included in student assessment measures; removing language that restricts writing assessments to certain grade levels; removing language that restricts appropriate measures of student performance to be used in an assessment of a school; requiring the board to promulgate a new rule for a revised set of annual measures for the accountability and accreditation system to meet the needs of a federal waiver from No Child Left Behind; removing prescriptive language preventing the accreditation system to adequately measure student performance; requiring the state board to promulgate a new rule for state accreditation of schools and school systems; mandating a report due to Governor and Legislative Oversight Committee on Education Accountability on or before December 1, 2013; requiring annual reports; setting forth potential measures for the accreditation system; professional development; establishing clear state-level leadership of professional development; providing findings on the importance of professional development; requiring State Board of Education to develop a master plan for professional development; manner in which coordination, development and evaluation of professional development programs by the state board shall be done; establishing a rule that shall include measurable standards; requiring state board approval of plans from Department of Education, the Center for Professional Development, state institutions of higher education and regional education service agencies; annual report of professional development; requirements for State Superintendent of Schools; increasing the number of schools to be included in a special community development pilot program; allowing the pilot program to consult the Center for Professional Development for professional development resources;

requiring kindergarten and early childhood aides to be licensed; exempting those eligible for retirement before July 1, 2016; requiring early childhood programs to be offered five days a week for the full day; providing for local control of the school calendar; defining terms and establishing findings about a schools calendar; 200-day employment term for teachers; one hundred eighty separate days of actual instruction are to be provided for students; county policy for adding minutes or days to school calendar for time lost to the instructional term; one hundred eighty days must be within a 365-day calendar set by the county board; limiting noninstructional interruptions to instructional day; requiring state board or state superintendent approval of proposed county calendar; public meetings for discussions of a school system's calendar; waiver from code sections that prevent a school system from meeting one hundred eighty instructional days; board rule to implement the calendar section provisions; faculty senate procedure for making employment recommendations; removing language about faculty senates on instructional support and enhancement days; assignment of teachers when a vacancy was not foreseen before March 1 based on pupil-teacher ratio; allowing participants in Teach for America to become classroom teachers; creating a critical need alternative teacher certificate; two-year certificate and a one-year renewal of the critical need alternative teacher certificate; minimum requirements to receive a critical need alternative teacher certificate; creating a professional support team for these new teachers; recommendation for certification of teachers on the critical need alternative teaching certificate by support team and state superintendent; amending requirements for professional teaching certificates through alternative certifications; further defining "critical need alternative teaching certificates"; removing language that limits the number of board-certified teachers who can receive reimbursement per year; clarifying that teachers can receive reimbursement for recertification; adding seniority to the list of factors to be considered for hiring of filling vacancies in professional positions of employment; eliminating restrictive hiring language for classroom teaching positions; allowing county boards to give consideration to recommendations made by the principal and the

faculty senate; allowing released employees to be hired for specific vacancies prior to the job being posted; limiting bumping to within a school; allowing for multiple postings within a thirty-day period; removing language that limits internal school bumping to elementary school; reassigning a teacher within their school upon consent of teacher and county board; eliminating the 43-week restriction of service personnel contracts; defining the three different types of early childhood classroom assistant teacher certificates; clarifying the length of a teacher's duty-free planning period; duties of other school employees and substitute teachers during a teacher's planning period; clarifying that not all holidays will be counted toward as a day of the employment term; snow days not counted as days of employment or days of instruction; calculation of pay for professional and service personnel on snow days; loan assistance for teachers in critical need areas; awarding loan assistance; determining eligibility for loan assistance; criteria for teacher compliance with terms of loan assistance agreement; payments made directly to a lending entity; model contract agreements for loan assistance; amount, limits and duration of loan assistance; and repayment if loan assistance conditions are not met by applicant.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Laird, Kessler (Mr. President), Barnes, Boley, Carmichael, Green, D. Hall, M. Hall, Jenkins, Miller, Nohe, Yost, Wells, Plymale, Chafin, Palumbo, Fitzsimmons, Williams, McCabe and Cann:

Senate Bill No. 360—A Bill to amend and reenact §7-14-1 of the Code of West Virginia, 1931, as amended, relating to requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Unger and Nohe:

Senate Bill No. 361—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-17B-1, §31-17B-2, §31-17B-3, §31-17B-4, §31-17B-5, §31-17B-6, §31-17B-7, §31-17B-8, §31-17B-9, §31-17B-10, §31-17B-11, §31-17B-12, §31-17B-13, §31-17B-14, §31-17B-15, §31-17B-16, §31-17B-17, §31-17B-18, §31-17B-19, §31-17B-20 and §31-17B-21, all relating to creating the West Virginia Homeowner Bill of Rights; stating legislative findings and purpose in relation to foreclosures in the state generally; requiring mortgage servicers to contact the borrower prior to filing a notice of default; requiring mortgage servicers to explore options for the borrower to avoid foreclosure; requiring the borrower to be provided with specified information in writing prior to recordation of a notice of default; establishing additional procedures to be followed regarding a first lien loan modification application and the denial of an application; providing for a borrower's right to appeal a denial; authorizing a borrower to seek an injunction and damages for violations; authorizing the greater of treble actual damages or \$50,000 in statutory damages if a violation is found to be intentional or reckless or resulted from willful misconduct; providing that violations by licensees of certain state agencies are also violations of those respective licensing laws; requiring a mortgage servicer who conducts more than one hundred seventy-five foreclosure sales per year or annual reporting period to establish a single point of contact with the borrower; requiring that, before recording or filing any of certain documents, a mortgage servicer shall ensure that it has reviewed competent and reliable evidence to substantiate the borrower's default and the right to foreclose, including the borrower's loan status and loan information; authorizing administrative enforcement against licensees by certain state agencies; defining terms; setting forth requirements; establishing effective and termination dates; and authorizing rulemaking.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Snyder and Miller:

Senate Bill No. 362—A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to redistributing an existing excise tax paid upon the transfer of real property so that the tax is paid to the county where the property is situate instead of to the state; requiring counties to dedicate this excise tax to support regional jails; providing this be accomplished incrementally over a five-year period; and stylistic changes.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 363—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto three new sections, designated §5A-3-10d, §5A-3-10e and §5A-3-60; and to amend and reenact §9-2-9b of said code, all relating generally to purchasing; authorizing reverse auction pilot program for purchasing commodities; defining “reverse auction”; permitting third-party vendors to administer reverse auctions; affording the Director of the Purchasing Division rule-making authority to implement reverse auction pilot program; providing that reverse auction pilot program expires on July 1, 2017; authorizing prequalification agreements and the secondary bid process for the direct procurement of commodities; defining “state”, “prequalification agreement”, “prequalified vendor” and the “secondary bid process”; requiring approval of the Director of the Purchasing Division for prequalification agreement and secondary bid process procurements anticipated to cost in excess of \$50,000; affording the Director of the Purchasing Division rule-making authority to establish procedures regarding prequalification agreements, prequalification, the secondary bid process and related matters; requiring certain executive department officials to attend annual training on purchasing procedures; and repealing the Department of Health and Human Resources’ Medicaid purchasing exemption.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senator Unger:

Senate Bill No. 364—A Bill to amend and reenact §3-5-7 and §3-5-22 of the Code of West Virginia, 1931, as amended, all relating to elections and nominating procedures; requiring a candidate in a partisan election to have been affiliated with the same political party for a period of sixty days before filing a certificate of announcement of candidacy; providing that political parties may not nominate candidates by party convention and by primary election during the same election year; requiring notice of intent to conduct a primary election; and deleting inconsistent language.

Referred to the Committee on the Judiciary.

By Senators Kessler (Mr. President), Chafin, Laird, Miller and Stollings:

Senate Bill No. 365—A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the expungement of certain criminal convictions generally; permitting expungement of certain felony convictions; establishing the amount of time after conviction of a felony before expungement may be sought; and creating exceptions.

Referred to the Committee on the Judiciary.

By Senators McCabe, Cann, Facemire, Green, D. Hall, Walters and Kessler (Mr. President):

Senate Bill No. 366—A Bill to amend and reenact §11-6D-2, §11-6D-4 and §11-6D-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-6D-10, all relating generally to use of alternative-fuel motor vehicles; eliminating the availability of a tax credit for vehicles that are capable of running on ethanol and certain fuel mixtures containing ethanol, methanol or other alcohols; removing the requirement that a converted vehicle must operate exclusively

on an alternative fuel in order to take the credit; eliminating a rule requirement; allowing pass-through entities to distribute credits to pass-through equity owners in any manner such equity owners see fit; permitting the transfer of tax credits for purchase of alternative-fuel vehicles, conversion to an alternative-fuel vehicle or construction of alternative-fuel vehicle infrastructure; setting forth how those transfers of tax credits may be accomplished; providing an exception; and permitting government entities and nonprofit entities to utilize certain tax credits.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Miller, Snyder, Unger, Chafin and Laird:

Senate Bill No. 367—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-7-1a, relating to creating the Citizens Elected County Officials Compensation Commission; membership of the commission; terms of the members; powers and duties of the commission; and procedures for enacting the salaries of the elected county officials.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Cookman and Plymale:

Senate Bill No. 368—A Bill to amend and reenact §48-3-103 and §48-3-105 of the Code of West Virginia, 1931, as amended, all relating to domestic relations law generally; clarifying that conviction of an offense punishable by incarceration for more than one year prior to the marriage and without the knowledge of the other party constitutes a basis for voiding a marriage; and clarifying that a party to a marriage who was unaware at the time of the marriage that his or her spouse had previously been convicted of an offense punishable by incarceration for more than one year may not institute an annulment action if he or she cohabited with that spouse after becoming aware of the conviction.

Referred to the Committee on the Judiciary.

Senators Laird, Miller and Unger offered the following resolution:

Senate Concurrent Resolution No. 8—Requesting the Division of Highways to name the portion of Route 38, from its intersection at Route 16 to its intersection at Route 61, in Fayette County, West Virginia, the “Sizemore Moran Veterans Memorial Road”.

Whereas, Jackson Douglas Sizemore, Phillip Sizemore, Arthur Sizemore, Fred Sizemore, Ralph Sizemore and Harry Moran, the sons and son-in-law of Mr. and Mrs. Phillip Sizemore, Sr., of Oak Hill, West Virginia, all served their country admirably in the United States armed forces; and

Whereas, Jackson Douglas Sizemore enlisted in the Army on August 2, 1939, and was stationed on the Island of Oahu, Hawaii, where he served during the attack on Pearl Harbor; and

Whereas, Fred Sizemore enlisted in the Navy on September 20, 1940, served on the U. S. S. Phoenix, a cruiser with the Pacific fleet, and battled the Japanese during the invasion of Pearl Harbor; and

Whereas, Arthur Sizemore enlisted in the Navy on September 17, 1941, where he was assigned to the Naval Cook and Bakers’ School at Norton Heights, Connecticut, and went on to serve for more than two years in the Caribbean; and

Whereas, Ralph Sizemore enlisted in the Navy on September 14, 1943, and was assigned to the United States Naval Air Technical Training Center in Chicago; and

Whereas, Phillip Sizemore, Jr., enlisted in the Navy on September 29, 1942, and after being stationed in California served his country in the South Pacific; and

Whereas, Harry Moran, brother-in-law of the Sizemore brothers, enlisted in the Navy and got his basic training at Aberdeen Proving Grounds in Maryland, and went on to serve his country in Asia; and

Whereas, Jackson Douglas Sizemore, Phillip Sizemore, Arthur Sizemore, Fred Sizemore, Ralph Sizemore and Harry Moran did a great service to their country in time of conflict and war, and will always be remembered for their service; and

Whereas, It is fitting and proper to create a lasting tribute in honor of the Sizemore-Moran brothers, for their dedicated service to their country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the portion of Route 38, from its intersection at Route 16 to its intersection at Route 61, in Fayette County, West Virginia, the “Sizemore Moran Veterans Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the route as the “Sizemore Moran Veterans Memorial Road”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to Arthur and Ralph Sizemore.

Which, under the rules, lies over one day.

Senators Stollings, Kirkendoll and Unger offered the following resolution:

Senate Concurrent Resolution No. 9—Requesting the Division of Highways to name the bridge crossing the Little Coal River in Danville, Boone County, bridge number 3-85/8-0.37, the “Naval

Chief Boatswain Fred L. Byrnside and Army Captain Dora Jo Chambers Byrnside Memorial Bridge”.

Whereas, Fred Byrnside and his wife, Dora Jo Byrnside, were both military veterans who served their country proudly; and

Whereas, Fred Byrnside had a long and distinguished Naval career, serving active duty from January 1938 until October 1955, and then in the reserve until 1966. He retired with the rank of Chief Boatswain; and

Whereas, Fred Byrnside served in World War II and was captured by the Japanese in 1942. During his captivity, Fred endured unspeakable atrocities and hardships at the hands of the Japanese, including the infamous Bataan Death March in the Philippines. Fred was held prisoner in the Funatsu prisoner-of-war camp until the war’s end in 1945; and

Whereas, By the grace of God, Fred Byrnside survived his ordeals, when all at home believed him to have been killed. But when Fred was liberated from that prison camp, he still felt the call to service. When others may have felt they had done enough, or had endured enough on behalf of their country, Fred chose to reenlist and continue serving the country he so loved; and

Whereas, Fred Byrnside was proud of his service in the United States Navy, and while he seldom talked about the horrors he endured as a prisoner, he was always ready to relate stories of his other military experiences and what it meant to be a member of the United States Navy; and

Whereas, Fred Byrnside was awarded the National Defense Service Medal, Asiatic-Pacific Area Campaign Ribbon, Philippine Defense Service Ribbon with three Bronze Stars, Army Distinguished Unit Badge with One Oak Leaf Cluster, American Defense Service Ribbon, Good Conduct Medal, China Service Ribbon, Victory Ribbon of World War II, Pre-Pearl Harbor Ribbon with one Bronze Star; and Presidential Unit Citation; and

Whereas, Dora Jo Chambers graduated from Marshall College in 1941, and joined the United States Army (WAC) in 1943. She served during World War II in the Asiatic-Pacific Campaign and served in New Guinea and the Philippines; and

Whereas, During her service in the United States Army, Dora Jo Chambers was promoted to the rank of Captain, which was a notable accomplishment for a young woman at that time; and

Whereas, Dora Jo Chambers was awarded the American Campaign Medal, Asiatic-Pacific Campaign Medal, Philippine Liberation and Women's Army Auxiliary Corps Service Medal; and

Whereas, Fred Byrnside and Dora Jo Chambers Byrnside were married after Dora Jo's tour of duty ended in 1946, and they returned home to Danville in 1955 when Fred retired from active duty. Fred served as the postmaster at the Danville Post Office, while Dora Jo raised their children and later taught at Scott High School when the children were grown; and

Whereas, Fred Lincoln Byrnside passed away on January 3, 1980, and Dora Jo Chambers Byrnside passed away on January 3, 2010. They are survived by their children, Fred Byrnside and wife, Emma, of Danville, Ellajo Thompson of Knoxville, Tennessee, and Lois Byrnside of Dunedin, Florida; five grandchildren and ten great-grandchildren; and

Whereas, It is only fitting that we so honor Fred and Dora Jo Byrnside for their dedicated and selfless service to their country, and for their contributions to the town of Danville and Boone County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge crossing the Little Coal River in Danville, Boone County,

bridge number 3-85/8-0.37, the “Naval Chief Boatswain Fred L. Byrnside and Army Captain Dora Jo Chambers Byrnside 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 “Naval Chief Boatswain Fred L. Byrnside and Army Captain Dora Jo Chambers Byrnside 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 Secretary of the Department of Transportation and to the children of Fred and Dora Jo Byrnside.

Which, under the rules, lies over one day.

Senators Stollings, Kirkendoll and Unger offered the following resolution:

Senate Concurrent Resolution No. 10—Requesting the Division of Highways to name the Atenville Beam Span Bridge on Rt. 10, Lincoln County, .1 mile south of South Route 68, bridge number 22-10-6.54, the “Shelton Topping Bridge”.

Whereas, Shelton Topping was born May 11, 1926. He has been married to Edith Maynard Topping for sixty-two years. They had three children, eight grandchildren and ten great-grandchildren. He is an Elder at 14 Mile Church of Christ and upstanding member of the Harts Community. He is a World War II veteran, joining the Army in November, 1944, at seventeen years old. He was awarded the Bronze Star, badges for Marksmanship, the Combat Infantry and a European African Middle Eastern campaign ribbon. Additionally, he has the Honor Service Lapel, commonly known as the ruptured duck. Shelton Topping says the reason for joining the Army was “There were six boys in our family and five of them were in the service. My older brother told me I’d better join up soon, or the war would be over before I’d get to go in.” He was

a member of the 3rd Infantry Division of the Army in Company D. Company D was the oldest outfit in the U. S. Army. It was founded and served under General George Washington during the Revolutionary War. When General Patton died in Europe, in December, 1945, Company D served as an Honor Guard at his funeral. Shelton Topping began his military training at Camp Joseph T. Robertson, near Little Rock, Arkansas, was later sent to Fort Meade, Maryland, and then to Camp Shanks in New York before leaving for Europe. He left New York, crossed the English Channel to reach Le Havre, France, and then traveled by train to Germany. In January, 1945, the 3rd Infantry Division had smashed the Colmar pocket and was driving the last German soldier from the area. The division hit the line again in March, 1945. The main Siegfried Line positions south of Sweibruken, Germany, were breached and the 3rd was on its way to the Rhine River a second time. Light opposition was encountered and on March 23, the division was moved on the Rhine Plain, in the triangle formed by Bad Durkheim-Frankenthal-Worms to prepare for a crossing of the river. In March, the division was across the Rhine and driving deep into the heart of Germany. The 3rd's last major battle was at Nurnberg where the Germans put up their last big effort to deal a mortal blow. After three weeks there, the war ended. Shelton Topping's company turned to guarding POWs. They had 4,500 prisoners to guard. They processed the prisoners five hundred men at a time and only eight American soldiers would guard this large group of men. Although he was eighteen at the end of the war, he celebrated his nineteenth and twentieth birthdays overseas. Mr. Topping served as a Special Honor Guard at the United Nations building at the American Embassy in Berlin. The Honor Guard was made up of four soldiers from four countries: The United States, England, France and Russia. There were eighteen regular guards and four honor guards. In order to be an American Honor Guard, one had to be a Bronze Star recipient. Upon returning to the United States from active duty, Mr. Topping studied for his GED, then attended Marshall University. He taught in a one-room school in Sand Creek, West Virginia, and later at a one-room school in Atenville, West

Virginia. Because teaching school made it difficult to support a family at that time, he had to quit teaching and go work in the coal mines. He worked for Island Creek Coal Company in Logan County, until he retired; and

Whereas, The contributions of Shelton Topping to his country, state and community should not go unnoticed. It is fitting to honor Shelton Topping by naming the bridge on Rt. 10, Lincoln County, .1 mile south of South Route 68 for Shelton Topping; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the Atenville Beam Span Bridge on Rt. 10, Lincoln County, .1 mile south of South Route 68, bridge number 22-10-6.54, the “Shelton Topping 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 “Shelton Topping Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation, to Mr. Shelton Topping and to his surviving children and relatives.

Which, under the rules, lies over one day.

Senators Stollings, Kirkendoll and Unger offered the following resolution:

Senate Concurrent Resolution No. 11—Requesting the Division of Highways name the section of State Route 214 at Childress Road, from mile marker 8.92 to mile marker 9.92, the “Army Pvt. Parker Meikle Memorial Road”.

Whereas, Parker Meikle was born November 5, 1919, in Alum Creek, Lincoln County, West Virginia, the second of nine children born to Archie Thomas Meikle and Chalcie Lottie Turley Meikle, and is survived by two sisters, three brothers and numerous nieces and nephews; and

Whereas, Parker Meikle was raised and educated in the Alum Creek area; and

Whereas, Pvt. Parker Meikle entered the United States Army January 26, 1942; and

Whereas, Pvt. Parker Meikle, Service Number 35263702, died of wounds he received in World War II December 19, 1944, in Belgium while serving as a combat engineer with Company B 158th Engineer Battalion; and

Whereas, The body of Pvt. Parker Meikle was returned to West Virginia for reburial in 1949, with Snodgrass Funeral Home in charge of arrangements; and

Whereas, It is proper and fitting that the ultimate sacrifice made by this native son be honored in this manner; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the section of State Route 214 at Childress Road, from mile marker 8.92 to mile marker 9.92, the "Army Pvt. Parker Meikle Memorial Road"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect a sign at each end of the section of road containing bold and prominent letters proclaiming the section of road the "Army Pvt. Parker Meikle Memorial Road"; 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 Highways and the family of the late Parker Meikle.

Which, under the rules, lies over one day.

Senators Stollings, Kirkendoll and Unger offered the following resolution:

Senate Concurrent Resolution No. 12—Requesting the Division of Highways to name the one-mile section of road on Lick Creek Road, beginning at Route 119, in Boone County, West Virginia, the “PFC Randall Bruce Miller Memorial Road, U. S. Army”.

Whereas, Randall Bruce Miller was born on May 26, 1949, the son of Reldo and Esta Miller of Danville, West Virginia; and

Whereas, Randall Bruce Miller graduated from Scott High School in Madison, West Virginia, in 1967; and

Whereas, After graduating from high school, Randall Bruce Miller was employed with Key Super Market in Danville, West Virginia; and

Whereas, Just a matter of days before beginning his tour in Vietnam, Randall Bruce Miller was married, on September 13, 1969, to Gaytha Berry; and

Whereas, On September 29, 1969, Randall Bruce Miller began his tour of duty in Vietnam, an infantryman, in the United States Army; and

Whereas, While in Vietnam, Randall Bruce Miller was a member of D Company, 1st Battalion, 8th Cavalry and stationed at Phuoc Long Province in South Vietnam; and

Whereas, While on a protective reaction mission in Phuoc Long Province on December 8, 1969, Company D came under heavy fire from a well-entrenched force; and

Whereas, On December 8, 1969, when a mere twenty years old, Private First Class Randall Bruce Miller was killed in action while courageously attempting to drive back the enemy force, dying immediately from hostile fire; and

Whereas, It is only fitting and proper that this stretch of road, in the county of his birth and the area in which he lived all his young life, be named in his honor so the Private First Class Randall Bruce Miller's supreme sacrifice will be memorialized and not forgotten; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the one-mile stretch of road on Lick Creek Road in Boone County, West Virginia, beginning at Route 119, the "PFC Randall Bruce Miller Memorial Road, U. S. Army"; and, be it

Further Resolved, That the Division of Highways is hereby requested to cause to have made two signs that state, in bold and prominent lettering, the "PFC Randall Bruce Miller Memorial Road, U. S. Army" and to erect these signs on either side of the one-mile stretch of road; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to the family of PFC Randall Bruce Miller.

Which, under the rules, lies over one day.

Senators Unger, Kessler (Mr. President), Snyder, Plymale, Laird, Cookman, Williams and Stollings offered the following resolution:

Senate Resolution No. 19—Recognizing Leadership Berkeley for its service, dedication and commitment to Berkeley County.

Whereas, The objective of Leadership Berkeley is to promote knowledge and awareness of the problems, opportunities and issues facing Berkeley County; and

Whereas, Leadership Berkeley is designed to provide a series of educational and participatory experiences, as well as an opportunity for dialogue and the development of a correlation among participants in order to encourage local participation in the growth of Berkeley County; and

Whereas, The membership of Leadership Berkeley includes individuals from nearly every facet of Berkeley County’s business, professional, religious, governmental, educational, civic, the arts, organized labor and minority organizations who demonstrate a commitment to the community; and

Whereas, The 2013 membership of Leadership Berkeley consists of Bethany T. Allen-Perez, Roach Energy; Dana L. Anders, Berkeley County Board of Education; Melissa C. Baker, Frontier Communications; Sara L. Birchenough, Bowles Rice; Jennifer Bishop, MVB Bank; Karen R. Burkhardt, Bank of Charles Town; Tina L. Dorsey, Lady Appleseeds, Inc.; Madeline R. Harrison, Susquehanna Bank; Matthew L. Harvey, Taylor & Harvey; Mark V. Jordan, Flowers Unlimited; David D. Langford, United Bank; Lorriane K. Main, VA Medical Center; Amy L. Orndoff, Berkeley Senior Services; Amanda D. Renner, Ecolab; Vicki L. Rohrer, Panhandle Home Health, Inc.; Katrina L. Rosario, Ecolab; Carol A. Rothstein, Blue Ridge Community & Technical College; Kelly M. Tanksley, Martinsburg-Berkeley Co. Public Libraries; Michelle J. Thomas, West Virginia University Hospitals East; Kimberly J. Waggoner, VA Medical Center; and Keith H. Whetsel, Essroc Italcementi Group; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Leadership Berkeley for its service, dedication and commitment to Berkeley County; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials of Leadership Berkeley.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

Senate Concurrent Resolution No. 7, Designating Hall Flintlock Model 1819 official state firearm.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 71, Requiring descriptions of easements and rights-of-way include width in addition to centerline; exception.

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

At the request of Senator Palumbo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Senate Bill No. 145, Amending election complaint procedures.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 145) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 60, Relating to name-change notice publication requirements.

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

Com. Sub. for Senate Bill No. 76, Permitting certain voters who have moved to vote for President and Vice President.

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

Senate Bill No. 82, Requiring rate-paying residential customer on public service board.

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

Pending announcement of meetings of standing committees of the Senate, including majority and minority party caucuses,

On motion of Senator Unger, the Senate adjourned until tomorrow, Tuesday, February 26, 2013, at 11 a.m.

TUESDAY, FEBRUARY 26, 2013

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Cindy Briggs-Biondi, Associate Pastor, Dunbar United Methodist Church, Dunbar, West Virginia.

Pending the reading of the Journal of Monday, February 25, 2013,

On motion of Senator Boley, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2173—A Bill to amend and reenact §9-5-18 of the Code of West Virginia, 1931, as amended, relating to funeral expenses for indigent persons; restricting payments for funeral services to those provided by a funeral director licensed by the state of West Virginia; and restricting payments for burial services to those provided by a person or business entity authorized by West Virginia law.

Referred to the Committee on Government Organization.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 42—Requesting the Division of Highways to name all sections of the King Coal Highway, I-73/74, running through Mingo County, West Virginia, the “Mike Whitt Visionary Leadership Highway”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Tucker, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill No. 26, Requiring health insurance coverage for hearing aids under certain circumstances.

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

Com. Sub. for Senate Bill No. 26 (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7f; to amend said code by adding thereto a new section, designated §33-15-4k; to amend said code by adding thereto a new section, designated §33-16-3w; to amend said code by adding thereto a new section, designated §33-24-7l; to amend said code by adding thereto a new section, designated §33-25-8i; and to amend said code by adding thereto a new section, designated §33-25A-8k, all relating generally to requiring health insurance coverage of hearing aids for individuals under eighteen years of age; providing for an effective date for coverage; providing definitions; setting age limitations; providing for coverage limits and time frames; providing that the provisions are only required to the extent required by federal law; and modifying required benefits for accident and sickness insurance, group accident and sickness insurance, hospital medical and dental corporations, health care corporations, health maintenance organizations and under the West Virginia Public Employees Insurance Act.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Gregory A. Tucker,
Chair.

The bill (Com. Sub. for S. B. No. 26), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 172, Relating to nonintoxicating beer distributor licensees.

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

Com. Sub. for Senate Bill No. 172 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §11-16-3 and §11-16-8 of the Code of West Virginia, 1931, as amended, all relating to the Nonintoxicating Beer Act generally; expanding the definition of “person” for purposes of holding a nonintoxicating beer distributorship; allowing trusts, limited liability companies and associations to hold a distributor’s license; and requiring certain disclosures by applicants that are trusts, limited liability companies or associations.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Miller, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill No. 202, Creating Spay Neuter Assistance Fund.

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

Com. Sub. for Senate Bill No. 202 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-20C-1, §19-20C-2 and §19-20C-3, all relating to establishing the West Virginia Spay Neuter Program and Fund; designating the Commissioner of the Department of Agriculture to manage the program and fund; providing grants to nonprofit spay neuter programs in state; limiting administrative expenses of fund; requiring annual reporting; and authorizing rulemaking.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Ronald F. Miller,
Chair.

The bill (Com. Sub. for S. B. No. 202), under the original double committee reference, was then referred to the Committee on Finance.

Senator Miller, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill No. 222, Authorizing Commissioner of Agriculture promulgate legislative rule relating to animal disease control.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ronald F. Miller,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Miller, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill No. 261, Authorizing Commissioner of Agriculture promulgate legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas.

And reports the same back with the recommendation that it do pass; but under the original triple committee reference first be referred to the Committee on Finance; and then to the Committee on the Judiciary.

Respectfully submitted,

Ronald F. Miller,
Chair.

The bill, under the original triple committee reference, was referred to the Committee on Finance; and then to the Committee on the Judiciary.

Senator Tucker, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill No. 270, Authorizing Insurance Commissioner promulgate legislative rule relating to provider-sponsored networks.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original triple committee reference first be referred to the Committee on Finance; and then to the Committee on the Judiciary.

Respectfully submitted,

Gregory A. Tucker,
Chair.

The bill, under the original triple committee reference, was referred to the Committee on Finance; and then to the Committee on the Judiciary, with an amendment from the Committee on Banking and Insurance pending.

Senator Miller, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill No. 321, Authorizing Board of Veterinary Medicine promulgate legislative rule relating to organization and operation and licensing of veterinarians.

And reports the same back with the recommendation that it do pass; but under the original triple committee reference first be referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

Respectfully submitted,

Ronald F. Miller,
Chair.

The bill, under the original triple committee reference, was referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills and joint resolution were introduced, read by their titles, and referred to the appropriate committees:

By Senators Unger, Kessler (Mr. President), D. Hall, Cookman, Cann, Laird, Beach, Fitzsimmons, Jenkins and Williams:

Senate Bill No. 369—A Bill to amend and reenact §61-7-6 and §61-7-6a of the Code of West Virginia, 1931, as amended, all relating to allowing a resident of another state to carry a handgun in West Virginia if the person holds a valid permit or license to possess or carry a handgun from the other state and the other state allows residents of West Virginia who are licensed in West Virginia to carry a concealed deadly weapon to carry a concealed deadly weapon in that state.

Referred to the Committee on the Judiciary.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 370—A Bill to amend and reenact §18-9A-7 and §18-9A-8a of the Code of West Virginia, 1931, as amended, all relating to the school aid formula; adjusting the foundation school program allowance for transportation costs; restricting the ten percent additional percentage allowance for alternative-fuel vehicles to school buses using compressed natural gas or propane;

and adjusting the foundation allowance by reducing the maximum allocation for Regional Education Service Agencies.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 371—A Bill to amend and reenact §25-1-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §28-5-27 of said code; to amend said code by adding thereto two new sections, designated §31-20-5g and §31-20-5h; to amend and reenact §61-7-6 of said code; to amend and reenact §62-11A-1a of said code; to amend and reenact §62-11B-9 of said code; to amend and reenact §62-11C-2, §62-11C-3 and §62-11C-6 of said code; to amend said code by adding thereto a new section, designated §62-11C-10; to amend and reenact §62-12-6, §62-12-7, §62-12-9, §62-12-10, §62-12-13, §62-12-14a, §62-12-15, §62-12-17 and §62-12-19 of said code; to amend said code by adding thereto a new section, designated §62-12-29; to amend and reenact §62-15-2 of said code; and to amend said code by adding thereto a new section, designated §62-15-6a, all relating to public safety; requiring the Division of Corrections to perform graduated methods of mental health screens, appraisals and evaluations on persons committed to its custody; mandating a maximum of one year of supervised release for violent inmates; mandating a maximum of one hundred eighty days of supervised release for nonviolent inmates; requiring the Commissioner of Corrections to adopt policies regarding mandatory supervised release; requiring the Regional Jail Authority to utilize a standardized pretrial risk screening instrument adopted by the Supreme Court of Appeals of the West Virginia; requiring the authority to develop and implement cognitive behavioral programming for inmates in regional jails committed to the custody of the Commissioner of Corrections; exempting parole officers from prohibitions against carrying concealed weapons; moving definition of “day report center” to section relating to conditions of release on probation; providing

standards and limitations under which judges and magistrates may impose a period of supervision or participation in community corrections; clarifying language regarding confinement and revocation for violations of the conditions of home incarceration; adding representative of the Bureau for Behavioral Health and Health Facilities to the community corrections subcommittee of the Governor's Committee on Crime, Delinquency and Correction; providing that the community corrections subcommittee review, assess and report on the implementation of evidence-based practices in the criminal justice system; adding member with a background in substance abuse treatment and services to the community criminal justice boards of each county or combination of counties; providing oversight responsibility to Division of Justice and Community Services to implement standardized risk and needs assessment, evaluate effectiveness of other modifications to community corrections programs and provide annual report; requiring probation officers to conduct a standardized risk and needs assessment for individuals placed on probation and to supervise probationer and enforce probation according to the same; authorizing the Supreme Court of Appeals of West Virginia to adopt a standardized risk and needs assessment for use by probation officers; authorizing the Supreme Court of Appeals of West Virginia to adopt a standardized pretrial screening instrument for use by the Regional Jail Authority; providing standards and limitations under which judges may impose a term of reporting to a day report center or other community corrections program as a condition of probation; authorizing day reporting center programs to provide services based on the results of a person's standardized risk and needs assessment; providing for graduated sanctions in response to violations of the conditions of release on probation other than absconding or committing a misdemeanor or felony; revising eligibility requirements for accelerated parole program; requiring that Division of Corrections' policies and procedures for developing a rehabilitation treatment plan include the use of substance abuse assessment tools and prioritize treatment resources based on the risk and needs assessment and substance abuse assessment results; providing for rebuttable presumption

that parole is appropriate for inmates completing the accelerated parole program and a rehabilitation treatment program; providing standards and limitations for Parole Board; outlining duties of the Division of Corrections to supervise, treat and provide support services for all people released on mandatory supervised release; removing temporal standard for requirement that the Parole Board have access to a copy of an inmate's physical, mental or psychiatric examination; authorizing employment of a director of housing for released inmates with duties relating to the reduction of parole release delays; requiring parole officers to update the standardized risk and needs assessment for each person for whom an assessment has not been conducted for parole and to supervise each person according to the assessment and the commissioner's supervision standards; authorizing the Commissioner of Corrections to issue a certificate authorizing a parole officer to carry firearms or concealed weapons; providing standards and limitations under which the Division of Corrections may order substance abuse treatment or impose a term of reporting to a day report center or other community corrections program as a condition or modification of parole; authorizing the Commissioner of Corrections to enter into a master agreement with the Division of Justice and Community Services to reimburse counties for use of the community corrections programs; providing for graduated sanctions in response to violations of the conditions of release on parole other than absconding or committing a misdemeanor or felony; providing a parolee with the right to a hearing, upon request, regarding whether he or she violated the conditions of his or her release on parole; providing for a Community Supervision Committee to be appointed by the Administrative Director of the Supreme Court of Appeals of West Virginia to coordinate the sharing of information for community supervision and requiring submittal of an annual report; revising definitions; providing standards and limitations under which judges may order treatment supervision for drug offenders; requiring the Division of Justice and Community Services to use appropriated funds to implement substance abuse treatment to serve those under treatment supervision in each judicial circuit; providing that the Division of Justice and Community Services is responsible for

developing standards relating to quality and delivery of substance abuse services, requiring certain education and training, paying for drug abuse assessments and certified drug treatment from appropriated funds and requiring submittal of an annual report; outlining duties of treatment supervision service providers; and making technical changes.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Laird, Beach, Miller, Prezioso, Unger, Stollings, Plymale, Cann, Fitzsimmons, Jenkins and Williams:

Senate Bill No. 372—A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to creating a criminal offense for interfering with or preventing a person from calling for assistance of emergency service personnel; and establishing penalties.

Referred to the Committee on the Judiciary.

By Senators Plymale (By Request) and Kessler (Mr. President):

Senate Bill No. 373—A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to modifying age-range requirement for expungement of certain criminal convictions.

Referred to the Committee on the Judiciary.

By Senator Unger:

Senate Bill No. 374—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §31F-1-101, §31F-1-102, §31F-1-103, §31F-2-201, §31F-2-202, §31F-2-203, §31F-3-301, §31F-4-401, §31F-4-402, §31F-4-403 and §31F-5-501, all relating to authorizing a corporation to elect to be a benefit corporation; authorizing a corporation to amend its articles of incorporation to include a statement that the corporation is a benefit corporation; authorizing a corporation to terminate

status as a benefit corporation; authorizing the articles of a benefit corporation to identify as one of the purposes of the benefit corporation the creation of specific public benefits; establishing that a director shall not have a duty to a certain person; providing that a director shall have immunity from liability under certain circumstances; requiring a benefit corporation to deliver to each stockholder an annual report; defining terms; and generally relating to benefit corporations.

Referred to the Committee on the Judiciary.

By Senators Plymale, Jenkins, Unger, Stollings and Cookman:

Senate Bill No. 375—A Bill to amend and reenact §49-6-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-6-10b, all relating to granting prosecuting attorneys and judges broad discretion in their respective responsibilities concerning the placement of children in cases of child neglect or abuse.

Referred to the Committee on the Judiciary.

By Senators Snyder, Unger, Cookman, Miller and Stollings:

Senate Joint Resolution No. 6—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

Senators Kessler (Mr. President), Jenkins, Unger, Yost, D. Hall, Stollings, Plymale, Prezioso, Miller, Laird, Beach, Fitzsimmons and McCabe offered the following resolution:

Senate Resolution No. 20—Designating February 26, 2013, as “Community Action Day”.

Whereas, Community action agencies have been serving low-income families throughout our fifty-five counties for more than fifty years, striving to identify the causes of poverty and how to achieve self sufficiency; and

Whereas, Community action agencies conduct numerous programs to meet the needs of low-income West Virginians including Head Start, weatherization, housing, energy assistance, home rehabilitation, job training and placement, nutrition for the elderly and children, education assistance, family mentoring and many others; and

Whereas, The employees of community action agencies fight to improve the lives of all West Virginians and are gifted with the ability to see need and find fulfillment, to see sadness and find hope and to see helplessness and find strength; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 26, 2013, as “Community Action Day”; and, be it

Further Resolved, That the Senate invites all members of the West Virginia Legislature and all citizens of West Virginia to join in recognizing the value and importance of community action programs in West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Community Action Partnership.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

Senate Concurrent Resolution No. 8, Requesting DOH name portion of Route 38 in Fayette County “Sizemore Moran Veterans Memorial Road”.

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

Senate Concurrent Resolution No. 9, Requesting DOH name bridge in Boone County “Naval Chief Boatswain Fred L. Byrnside and Army Captain Dora Jo Chambers Byrnside Memorial Bridge”.

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

Senate Concurrent Resolution No. 10, Requesting DOH name bridge in Lincoln County “Shelton Topping Bridge”.

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

Senate Concurrent Resolution No. 11, Requesting DOH name portion of State Route 214 “Army Pvt. Parker Meikle Memorial Road”.

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

Senate Concurrent Resolution No. 12, Requesting DOH name section of Lick Creek Road in Boone County “PFC Randall Bruce Miller Memorial Road”.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 60, Relating to name-change notice publication requirements.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 60) passed with its title.

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

Eng. Com. Sub. for Senate Bill No. 71, Requiring descriptions of easements and rights-of-way include width in addition to centerline; exception.

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

At the request of Senator Palumbo, unanimous consent was granted to offer amendments to the bill on third reading.

Thereupon, on motion of Senator Palumbo, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

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

“(2) Specification of centerline: *Provided*, That any deed or instrument, executed on or after September 1, 2013, that initially grants or reserves an easement or right-of-way using the centerline method must also include the width;”;

And,

On pages two and three, section five-a, lines twelve through twenty-three, by striking out all of subsection (b) and inserting in lieu thereof a new subsection, designated subsection (b), to read as follows:

(b) Oil and gas, gas storage and mineral leases shall not be required to describe the easement, but shall describe the land on which the easement or right-of-way will be situate by source of title or reference to a tax map and parcel, recorded deed, recorded lease, plat or survey sufficient to reasonably identify and locate the property on which the easement or right-of-way is situate: *Provided*, That the easement or right-of-way is not invalid because of the failure of the easement or right-of-way to meet the requirements of this subsection or subsection (a) above.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill No. 71 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 71) passed.

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

Eng. Com. Sub. for Senate Bill No. 71—A Bill to amend and reenact §36-3-5a of the Code of West Virginia, 1931, as amended, relating to descriptions of easements and rights-of-way in deeds and similar instruments; and amending the centerline method of description to include width after a certain date.

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

Eng. Com. Sub. for Senate Bill No. 76, Permitting certain voters who have moved to vote for President and Vice President.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale,

Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 76) passed with its title.

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

Eng. Senate Bill No. 82, Requiring rate-paying residential customer on public service board.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 82) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 82) takes effect July 1, 2013.

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

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

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Wednesday, February 27, 2013, at 11 a.m.

WEDNESDAY, FEBRUARY 27, 2013

The Senate met at 11 a.m.

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

Prayer was offered by Dr. Mervin Smith, District Superintendent of the West Virginia South District Church of the Nazarene, Charleston, West Virginia.

Pending the reading of the Journal of Tuesday, February 26, 2013,

On motion of Senator Beach, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the fourth order of business.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 123, Authorizing operation of low-speed vehicles in municipalities.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration

Senate Bill No. 197, Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts.

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

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 219, Authorizing Department of Administration promulgate legislative rule relating to selecting design-builders under Design-Build Procurement Act.

Senate Bill No. 220, Authorizing Department of Administration promulgate legislative rule relating to state-owned vehicles.

Senate Bill No. 223, Authorizing Board of Architects promulgate legislative rule relating to registration of architects.

Senate Bill No. 224, Authorizing Athletic Commission promulgate legislative rule relating to mixed martial arts.

Senate Bill No. 235, Authorizing Board of Dental Examiners promulgate legislative rule relating to board.

Senate Bill No. 237, Authorizing Board of Dental Examiners promulgate legislative rule relating to continuing education requirements.

Senate Bill No. 254, Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to protocol for law-enforcement response to stalking.

Senate Bill No. 255, Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to protocol for law-enforcement response to child abuse and neglect.

Senate Bill No. 291, Authorizing Board of Optometry promulgate legislative rule relating to continuing education.

Senate Bill No. 298, Authorizing Division of Protective Services promulgate legislative rule relating to contracted police or security services.

Senate Bill No. 302, Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to requirements for licensure and certification.

Senate Bill No. 303, Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to renewal of licensure—qualifications for renewal.

Senate Bill No. 320, Authorizing Treasurer's Office promulgate legislative rule relating to enforcement of Uniform Unclaimed Property Act.

And,

Senate Bill No. 322, Authorizing Board of Veterinary Medicine promulgate legislative rule relating to schedule of fees.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 238, Authorizing Board of Dental Examiners promulgate legislative rule relating to expanded duties of dental hygienists and dental assistants.

Senate Bill No. 262, Authorizing Health Care Authority promulgate legislative rule relating to WV Health Information Network.

And,

Senate Bill No. 296, Authorizing Board of Pharmacy promulgate legislative rule relating to ephedrine and pseudoephedrine control.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Facemire, from the Committee on Energy, Industry and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry and Mining has had under consideration

Senate Bill No. 239, Authorizing DEP promulgate legislative rule relating to permits for construction and major modification of major stationary sources for prevention of significant deterioration of air quality.

Senate Bill No. 240, Authorizing DEP promulgate legislative rule relating to standards of performance for new stationary sources.

Senate Bill No. 241, Authorizing DEP promulgate legislative rule relating to control of air pollution from combustion of solid waste.

Senate Bill No. 242, Authorizing DEP promulgate legislative rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities.

Senate Bill No. 243, Authorizing DEP promulgate legislative rule relating to requirements for operating permits.

And,

Senate Bill No. 244, Authorizing DEP promulgate legislative rule relating to emission standards for hazardous air pollutants.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Douglas E. Facemire,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 253, Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to law-enforcement training and certification standards.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Government Organization pending.

Senator Laird, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill No. 256, Authorizing Hatfield-McCoy Regional Recreation Authority promulgate legislative rule relating to rules for use of facility.

Senate Bill No. 282, Authorizing DNR promulgate legislative rule relating to special boating.

Senate Bill No. 283, Authorizing DNR promulgate legislative rule relating to special motorboating.

Senate Bill No. 284, Authorizing DNR promulgate legislative rule relating to defining terms used in all hunting and trapping rules.

Senate Bill No. 285, Authorizing DNR promulgate legislative rule relating to prohibitions when hunting and trapping.

Senate Bill No. 286, Authorizing DNR promulgate legislative rule relating to deer hunting.

Senate Bill No. 287, Authorizing DNR promulgate legislative rule relating to general trapping.

Senate Bill No. 288, Authorizing DNR promulgate legislative rule relating to special waterfowl hunting.

And,

Senate Bill No. 289, Authorizing DNR promulgate legislative rule relating to special fishing.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

William R. Laird IV,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 266, Authorizing DHHR promulgate legislative rule relating to fees for services.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance; and then, under the original double committee reference, to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

On motion of Senator Stollings, the bill (S. B. No. 266) contained in the foregoing report from the Committee on Health and Human Resources was referred to the Committee on Finance; and then, under the original double committee reference, to the Committee on the Judiciary.

Senator Laird, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill No. 290, Authorizing DNR promulgate legislative rule relating to falconry.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

William R. Laird IV,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Natural Resources pending.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 293, Authorizing Board of Optometry promulgate legislative rule relating to schedule of fees.

Senate Bill No. 304, Authorizing Board of Examiners for Registered Professional Nurses promulgate legislative rule relating to fees for services rendered by board and supplemental renewal fee for Center for Nursing.

And,

Senate Bill No. 312, Authorizing Bureau of Senior Services promulgate legislative rule relating to in-home care worker registry.

And reports the same back with the recommendation that they each do pass; but under the original triple committee references first be referred to the Committee on Finance; and then to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

The bills, under the original triple committee references, were referred to the Committee on Finance; and then to the Committee on the Judiciary.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution No. 3, Requesting DOH name bridge in Boone County “Army Sergeant Junior Elwood Dunlap Memorial Bridge”.

Senate Concurrent Resolution No. 4, Requesting DOH name bridge in Boone County “James ‘Eddie’ Mooney Memorial Bridge”.

And,

Senate Concurrent Resolution No. 6, Requesting DOH name bridge in Wayne County “Wayne County Veterans Memorial Bridge”.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Unger, unanimous consent being granted, the resolutions (S. C. R. Nos. 3, 4 and 6) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

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

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution No. 5, Requesting DOH name bridge in Wetzel County “Sgt. Norman R. Cunningham Memorial Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 5 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name the Reader Bridge in Wetzel County, bridge number 52-48-0.01, the “Army Sgt. Norman R. Cunningham Memorial Bridge”.

Whereas, Sgt. Norman R. Cunningham was born on September 11, 1926, in Rymer, Marion County, West Virginia; and

Whereas, Sgt. Cunningham attended Pine Grove High School; and

Whereas, Sgt. Cunningham was drafted in 1944, at the age of 18, into the United States Army’s 77th Infantry Division; and

Whereas, Sgt. Cunningham became a member of the Army Air Corps and served during World War II until 1947, including at Okinawa and Yokohama, Japan; and

Whereas, During Sgt. Cunningham's service in Japan, he attempted to save the lives of two young girls from drowning, and was recognized by the community for his efforts; and

Whereas, Sgt. Cunningham returned home and married Martha Lou Brown of Piney, West Virginia, on January 17, 1948; and

Whereas, Sgt. Cunningham reenlisted in the United States Air Force in 1951, and went on to serve in the Korean War with the 2750th Medical Group in France and the 75th Transport Squadron; and

Whereas, After leaving the military in 1953, Sgt. Cunningham worked for Consolidated Natural Gas for over thirty-five years until his retirement; and

Whereas, Sgt. Cunningham also operated a meat cutting, wrapping and storage business in Reader, and often provided his services free of charge to those who could not afford them; and

Whereas, In 1969, Sgt. Cunningham received an award from the American Red Cross for saving the life of a Reader, West Virginia, girl after nearly drowning in Fishing Creek, just below the Reader Bridge; and

Whereas, Sgt. Cunningham was known to all who knew and loved him as Mr. Haney, because he enjoyed buying, selling and trading anything and everything; and

Whereas, Sgt. Cunningham was an active member of Trinity United Methodist Church of Reader and a member of the Benton M. Lowe Post 81 American Legion of Pine Grove; and

Whereas, Sgt. Cunningham passed away in January, 2013, leaving behind his beloved wife, five children, thirteen grandchildren and fifteen great-grandchildren; and

Whereas, It is fitting and proper that the military service of Sgt. Cunningham, his service to the Reader community and his life-saving rescue under the Reader Bridge be honored by naming the Reader Bridge in Wetzel County, bridge number 52-48-0.01, the “Army Sgt. Norman R. Cunningham Memorial Bridge”; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the Reader Bridge in Wetzel County, bridge number 52-48-0.01, the “Army Sgt. Norman R. Cunningham 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 “Army Sgt. Norman R. Cunningham 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 Secretary of the Department of Transportation and to the surviving family of Sgt. Norman R. Cunningham.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senator Kirkendoll:

Senate Bill No. 376—A Bill to amend and reenact §17C-5A-2 of the Code of West Virginia, 1931, as amended, relating to hearings before the Office of Administrative Hearings; specifying methods of service; providing permissible hearing locations; deleting the requirement that the Office of Administrative Hearings shall send hearing notices to certain witnesses; deleting an instance of a duplication of an element for driving under the influence; clarifying that the Office of Administrative Hearings shall rescind or modify the order of the Commissioner of the Division of Motor Vehicles in certain cases; noting that the Office of Administrative Hearings is not a party to an appeal; stating that a party filing an appeal is financially responsible for the transcription of the hearing and transmission of file copy; and stating that the court shall provide a copy of its final order to the Office of Administrative Hearings.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 377—A Bill to amend and reenact §11-15A-1 of the Code of West Virginia, 1931, as amended, relating to further defining a “retailer engaging in business in this state” for purposes of sales and use taxes; specifying that any retailer in a unitary business with an entity in this state is included within the definition; and providing effective date.

Referred to the Committee on Finance.

By Senators D. Hall, Kessler (Mr. President), Cann, Edgell, Facemire, Green, Unger, Williams, Fitzsimmons and Plymale:

Senate Bill No. 378—A Bill to amend and reenact §50-1-3, §50-

1-8, §50-1-9 and §50-1-9a of the Code of West Virginia, 1931, as amended, all relating to increasing salaries of those magistrates and their staffs whose salaries were reduced as a result of the 2010 census to precensus amounts; providing an effective date; and providing that the salary increase is retroactive to January 1, 2013.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Beach, Kessler (Mr. President), Blair, Boley, D. Hall, Miller, Fitzsimmons, Laird and Sypolt:

Senate Bill No. 379—A Bill to amend and reenact §30-7-15a, §30-7-15b and §30-7-15c of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-15-7, §30-15-7a, §30-15-7b and §30-15-7c of said code, all relating to expanding prescriptive authority of advanced nurse practitioners and certified nurse-midwives; and removing the requirement for collaborative relationships with physicians.

Referred to the Committee on Health and Human Resources; and then to the Committee on Government Organization.

By Senators Barnes, Kessler (Mr. President), Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost, Palumbo, Beach and Plymale:

Senate Bill No. 380—A Bill to amend and reenact §21A-2C-2, §21A-2C-3 and §21A-2C-4 of the Code of West Virginia, 1931, as amended, all relating to the Military Incentive Program; and including all veterans of armed conflict.

Referred to the Committee on Military; and then to the Committee on Finance.

By Senators Williams, Barnes, Blair, Cookman, Sypolt and Stollings:

Senate Bill No. 381—A Bill to amend and reenact §51-2A-3 of the Code of West Virginia, 1931, as amended, relating to courts and their officers; family courts; and adding one family court judge to the twenty-third family court circuit.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Cookman, Stollings, Unger, Plymale and Palumbo:

Senate Bill No. 382—A Bill to amend and reenact §44-10-3 of the Code of West Virginia, 1931, as amended, relating generally to clarifying and modifying the process of appointing and terminating guardians for minors.

Referred to the Committee on the Judiciary.

By Senators Cookman, Stollings, Plymale and Palumbo:

Senate Bill No. 383—A Bill to amend and reenact §29-21-9 and §29-21-20 of the Code of West Virginia, 1931, as amended, all relating to Public Defender Services; authorizing family court judges to appoint counsel in contempt cases when jail commitment is possible; and providing immunity to attorney appointed by family court judges.

Referred to the Committee on the Judiciary.

By Senators Cookman, Stollings, Unger, Plymale and Palumbo:

Senate Bill No. 384—A Bill to amend and reenact §49-5-2 of the Code of West Virginia, 1931, as amended, relating to juvenile proceedings; and increasing the number of certified legal education credits required to serve as a court-appointed attorney in juvenile cases.

Referred to the Committee on the Judiciary.

By Senators Cookman, Stollings, Unger, Plymale and Palumbo:

Senate Bill No. 385—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-6-9a, relating to authorizing a family court judge to order a child to be taken into custody in emergency situations which occur in the presence of the judge; and providing procedures when a child is ordered taken into emergency custody.

Referred to the Committee on the Judiciary.

By Senators Cookman, Plymale and Palumbo:

Senate Bill No. 386—A Bill to amend and reenact §53-8-4 of the Code of West Virginia, 1931, as amended, relating generally to personal safety orders; limiting the issuance of personal safety orders for harassment; and establishing the proper venue for issuance of a personal safety order.

Referred to the Committee on the Judiciary.

By Senators Cookman, Unger, Plymale and Palumbo:

Senate Bill No. 387—A Bill to amend and reenact §51-2A-7 of the Code of West Virginia, 1931, as amended, relating generally to the powers of family court judges; and granting family court judges the authority to compel and supervise the production of criminal background investigations when appropriate.

Referred to the Committee on the Judiciary.

By Senators Cookman, Unger, Plymale and Palumbo:

Senate Bill No. 388—A Bill to amend and reenact §62-15-7 of the Code of West Virginia, 1931, as amended, relating generally to requiring the Department of Health and Human Resources to pay for properly licensed, certified or court-approved programs for adult drug offenders participating in drug courts.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Beach, Kirkendoll, Miller and Williams:

Senate Bill No. 389—A Bill to amend and reenact §16-9A-2, §16-9A-3, §16-9A-7 and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to defining “alternative nicotine product” and “electronic cigarette”; prohibiting the sale of alternative nicotine products to individuals under eighteen years of age; prohibiting the use and possession of alternative nicotine products by an individual under eighteen years of age; adding alternative nicotine products to the list of products for which unannounced inspections may be conducted to ensure compliance with sales restrictions; and restricting the sale of alternative nicotine products in vending machines.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Carmichael:

Senate Bill No. 390—A Bill to amend and reenact §55-7-24 of the Code of West Virginia, 1931, as amended, relating to increasing the threshold of a defendant’s liability in a tort action involving more than one defendant, from thirty percent at fault or less to sixty percent at fault or less, to qualify for several liability and not joint and several liability.

Referred to the Committee on the Judiciary.

By Senators Plymale and Unger:

Senate Bill No. 391—A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5F-2-8, all relating to transferring the Division of Early Care and Education and the Head Start State Collaborative from the Bureau for Children and Families within the Department of Health and Human Resources to the Department of Education and the Arts.

Referred to the Committee on Education; and then to the Committee on Government Organization.

By Senators D. Hall, Green and McCabe:

Senate Bill No. 392—A Bill to repeal §11-12-86 of the Code of West Virginia, 1931, as amended; to repeal §29-3-23, §29-3-24, §29-3-25 and §29-3-26 of said code; to amend said code by adding thereto a new article, designated §29-3E-1, §29-3E-2, §29-3E-3, §29-3E-4, §29-3E-5, §29-3E-6, §29-3E-7, §29-3E-8, §29-3E-9, §29-3E-10, §29-3E-11, §29-3E-12 and §29-3E-13; and to amend and reenact §61-3E-1 and §61-3E-11 of said code, all relating to the regulation of fireworks; defining terms; setting forth the State Fire Marshal's authority; requiring a registration, certification or permit; establishing the requirements for a registration, certification and permit; establishing a special revenue account; setting forth the State Fire Marshal's rule-making authority; providing authority to investigate complaints; and providing criminal penalties.

Referred to the Committee on the Judiciary.

By Senators Williams, Laird and Sypolt:

Senate Bill No. 393—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-12-3, relating to exempting licensed surveyors from liability for defamation or slander of title when performing their professional duties; and providing an exception.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

Senators Stollings, Kessler (Mr. President), Unger, Snyder, Jenkins, D. Hall, Laird, Prezioso, Williams and McCabe offered the following resolution:

Senate Resolution No. 21—Designating February 27, 2013, as "Disability Advocacy Day".

Whereas, There are more than 400,000 West Virginians with disabilities; and

Whereas, People with disabilities have the right to live, work and fully participate in their communities and realize their dreams; and

Whereas, People with disabilities have the right to equal opportunity to live full productive lives as valued citizens in the community of their choice; and

Whereas, People with disabilities have the right to receive supports they need to exercise self determination, achieve independence and become productive employees in the workplace; and

Whereas, West Virginia's citizens with disabilities have banded together in a collective group, called the Fair Shake Network, to help bring their concerns to the forefront of public awareness; and

Whereas, The Fair Shake Network has developed a statewide network concerned with all types of disabilities and all age groups, providing opportunities for people to learn from each other and take action together; and

Whereas, The Fair Shake Network has become a credible source of information for policymakers, advocates and the public on policies and programs that impact people with disabilities; and

Whereas, Such organizations as the Appalachian Center for Independent Living, Mountain State Centers for Independent Living, Northern West Virginia Center for Independent Living, West Virginia Developmental Disabilities Council, West Virginia Statewide Independent Living Council, West Virginia Division of Rehabilitation Services, West Virginia Parent Training and Information Project, West Virginia University Center for Excellence in Disabilities, Upper Potomac Area Agency on Aging, West

Virginia Alliance for Sustainable Families, Van Lifts Unlimited, West Virginia Human Rights Commission, Job Squad, Autism Training Center, West Virginia State Rehabilitation Council, West Virginia Mental Health Consumers Association, West Virginia Commission for the Deaf and Hard of Hearing and West Virginia Advocates have joined together to help increase public awareness of issues involving the many concerns of West Virginians with disabilities; and

Whereas, The purpose of Disability Advocacy Day is to increase the awareness and understanding of legislators, administrators, policymakers and the public of the public policy issues that are important to people with disabilities; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 27, 2013, as “Disability Advocacy Day”; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of the Fair Shake Network.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the tenth order of business.

Com. Sub. for Senate Bill No. 172, Relating to nonintoxicating beer distributor licensees.

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

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Thursday, February 28, 2013, at 11 a.m.

THURSDAY, FEBRUARY 28, 2013

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Rafe Allison, St. Timothy Lutheran Church, Charleston, West Virginia.

Pending the reading of the Journal of Wednesday, February 27, 2013,

On motion of Senator Cookman, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2477—A Bill to amend and reenact §17C-15-23 of the Code of West Virginia, 1931, as amended, relating to permitting certain auxiliary lighting on motorcycles.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 47, Creating General Livestock Trespass Law.

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

Com. Sub. for Senate Bill No. 47 (originating in the Committee on the Judiciary)—A Bill to repeal §19-18-4, §19-18-5, §19-18-6, §19-18-7, §19-18-8, §19-18-9, §19-18-10, §19-18-11 and §19-18-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-18-1, §19-18-2 and §19-18-3 of said code, all relating to providing a general livestock trespass law; prohibiting livestock from trespassing; clarifying damages that may be recovered; permitting containment of livestock; requiring owner of trespassing livestock be notified; requiring containment costs be negotiated; permitting containment costs to be recovered in court; permitting the sheriff to take possession of unclaimed livestock; permitting unclaimed livestock be sold at auction; setting forth how the proceeds of a livestock sale shall be distributed; and establishing misdemeanor penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Williams, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill No. 122, Creating Creative Communities Development Act.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Bob Williams,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Economic Development pending.

Senator Williams, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill No. 189, Increasing capital investment threshold for certain economic opportunity development districts.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Bob Williams,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 194, Repealing code relating to Medicaid program contract procedure.

And has amended same.

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

Respectfully submitted,

Herb Snyder,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 214, Eliminating interview requirement for certain medical licensee applicants.

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

Respectfully submitted,

Herb Snyder,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 225, Authorizing Board of Barbers and Cosmetologists promulgate legislative rule relating to procedures, criteria and curricula for examination and licensure of barbers, cosmetologists, nail technicians, aestheticians and hair stylists.

Senate Bill No. 251, Authorizing State Fire Commission promulgate legislative rule relating to State Building Code.

Senate Bill No. 313, Authorizing Board of Social Work promulgate legislative rule relating to fee schedule.

Senate Bill No. 315, Authorizing Board of Social Work promulgate legislative rule relating to applications.

Senate Bill No. 316, Authorizing Board of Social Work promulgate legislative rule relating to continuing education for social workers and providers.

Senate Bill No. 317, Authorizing Board of Social Work promulgate legislative rule relating to code of ethics.

And,

Senate Bill No. 318, Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to licensure of speech pathology and audiology.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 226, Authorizing Board of Barbers and Cosmetologists promulgate legislative rule relating to barber apprenticeships.

And reports the same back with the recommendation that it do pass; but under the original triple committee reference first be referred to the Committee on Finance; and then to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

The bill, under the original triple committee reference, was referred to the Committee on Finance; and then to the Committee on the Judiciary.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 227, Authorizing Board of Barbers and Cosmetologists promulgate legislative rule relating to operational standards for schools of barbering and beauty culture.

And has amended same.

And,

Senate Bill No. 252, Authorizing State Fire Commission promulgate legislative rule relating to volunteer firefighters' training, equipment and operating standards.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary, with amendments from the Committee on Government Organization pending.

Senator Yost, from the Committee on Labor, submitted the following report, which was received:

Your Committee on Labor has had under consideration

Senate Bill No. 271, Authorizing Division of Labor promulgate legislative rule relating to bedding and upholstered furniture.

Senate Bill No. 272, Authorizing Division of Labor promulgate legislative rule relating to Amusement Rides and Attractions Safety Act.

Senate Bill No. 273, Authorizing Division of Labor promulgate legislative rule relating to supervision of elevator mechanics and apprentices.

Senate Bill No. 274, Authorizing Division of Labor promulgate legislative rule relating to Crane Operator Certification Act.

And,

Senate Bill No. 275, Authorizing Division of Labor promulgate legislative rule relating to Crane Operator Certification Act—practical examination.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Jack Yost,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 335, Permitting certain hospitals exemption from certificate of need.

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

Com. Sub. for Senate Bill No. 335 (originating in the Committee on Government Organization)—A Bill to amend and reenact §16-2D-4 of the Code of West Virginia, 1931, as amended, relating to permitting certain hospitals to request an exemption from certificates of need for health care facilities in specific instances.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Herb Snyder,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 338, Relating to liability of possessor of real property for harm to trespasser.

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

Respectfully submitted,

Corey Palumbo,
Chair.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Kessler (Mr. President), Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell,

Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost:

Senate Bill No. 394—A Bill to amend and reenact §15-2-33 of the Code of West Virginia, 1931, as amended; and to amend and reenact §15-2A-12 of said code, all relating to scholarships for dependent children of state troopers who die in performance of duty; and stating amount available per year.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Barnes, Blair, Cole, Williams, D. Hall, M. Hall, Beach, Nohe and McCabe:

Senate Bill No. 395—A Bill to amend and reenact §20-2-7 of the Code of West Virginia, 1931, as amended, relating to hunting, trapping or fishing on lands of another person; and absolving the landowner and his or her tenant or agent of civil liability for injuries suffered by a person hunting, trapping or fishing on his or her lands with or without written permission.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senators Barnes and Nohe:

Senate Bill No. 396—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11B-1, §5-11B-2 and §5-11B-3, all relating to establishing the West Virginia Religious Freedom Restoration Act; short title; definitions; applicability; construction; and remedies.

Referred to the Committee on the Judiciary.

By Senators Unger, Kessler (Mr. President) and Beach:

Senate Bill No. 397—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated

§12-6D-1, §12-6D-2, §12-6D-3, §12-6D-4, §12-6D-5, §12-6D-6, §12-6D-7, §12-6D-8 and §12-6D-9, all relating to investments of the West Virginia Investment Management Board; creating the Protecting West Virginia's Investments Act; providing legislative findings; providing definitions; requiring the West Virginia Investment Management Board to identify all companies in which public moneys are invested that are doing certain types of investments in Iran; requiring the board to create and maintain certain scrutinized company lists that name all such companies; providing that a company may be removed from the list under certain conditions; providing for reintroduction of a company onto the list; requiring the board to divest of all directly held, publicly traded securities of a scrutinized company under certain conditions; providing exceptions to the divestment requirement; prohibiting the board from acquiring securities of scrutinized companies that have certain active investments; providing exceptions to the investment prohibition; providing an additional exception from the divestment requirement and the investment prohibition to certain indirect holdings in actively managed investment funds; requiring the board to file a report with each member of the West Virginia Investment Management Board, the President of the Senate and the Speaker of the House of Delegates within a specified period after creation of each scrutinized companies list; requiring the annual filing of an updated report; requiring that the report contain certain information; requiring annual updates to such reports when applicable; requiring certain information to be included in the investment policy statement; providing for severability; and providing an effective date.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Stollings, Kirkendoll, Miller, Laird, D. Hall and Beach:

Senate Bill No. 398—A Bill to amend and reenact §29-26-2 of the Code of West Virginia, 1931, as amended, relating to modifying funding assistance from the Courthouse Facilities Improvement

Authority; and changing the definition of facilities that are eligible for funding assistance from courthouse facilities that are occupied by county or judicial officials to ones that are currently owned and occupied by those officials or upon renovation will be owned and occupied by those officials.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Tucker, D. Hall and Chafin:

Senate Bill No. 399—A Bill to amend and reenact §33-12B-1 and §33-12B-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-12B-4a, all relating to insurance; licensure of insurance adjusters; definitions, including a definition of “automated claims adjudication system”; and exemptions for certain individuals from adjuster licensure in this state and licensing of residents of Canada in this state.

Referred to the Committee on Banking and Insurance.

By Senators Carmichael and Chafin:

Senate Bill No. 400—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to making all municipalities eligible to participate in the Municipal Home Rule Pilot Program; and extending certain dates.

Referred to the Committee on Government Organization.

By Senators Snyder and Chafin:

Senate Bill No. 401—A Bill to amend and reenact §30-13-6, §30-13-13, §30-13-15 and §30-13-17 of the Code of West Virginia, 1931, as amended, all relating to compensating members of the Board of Registration for Professional Engineers at same rate as legislative interim pay; providing for registration of engineers generally; adding additional classifications of registration; setting forth qualifications for engineer interns; updating examination

provisions to comport with changes at the national level; and clarifying the certificate of authorization requirement.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Snyder and Miller:

Senate Bill No. 402—A Bill to repeal §48-26-404, §48-26-405, §48-26-601, §48-26-602, §48-26-901, §48-26-902, §48-26-1003, §48-26-1005, §48-26-1006 and §48-26-1007 of the Code of West Virginia, 1931, as amended; to amend and reenact §48-26-202, §48-26-203, §48-26-204, §48-26-205, §48-26-206, §48-26-301, §48-26-401, §48-26-402, §48-26-403, §48-26-406, §48-26-603, §48-26-604, §48-26-701, §48-26-1001, §48-26-1002 and §48-26-1004 of said code; and to amend said code by adding thereto nine new sections, designated §48-26-207, §48-26-208, §48-26-209, §48-26-210, §48-26-211, §48-26-212, §48-26-213, §48-26-214 and §48-26-407, all relating to the Family Protection Services Board; revising definitions; adding definitions; revising qualifications for membership on the board; adding two new members to the board; clarifying that the two ex officio members have voting privileges; providing for appointments for unexpired terms; providing appointments for members who become disqualified; authorizing legislative rules; increasing the percentage of board funds which may be used for administrative functions; authorizing the board to develop formulas to direct funds to certain programs; prohibiting programs from falsely representing that they are licensed; authorizing the board to develop preliminary and full application forms; providing for conditional, provisional and full licenses; authorizing the board to issue licenses for up to three years; authorizing the board to issue notices to cease and desist; setting forth procedures for hearings and appeals; requiring programs to report annually to the board; and providing confidentiality protections for programs' participants.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Palumbo, Chafin and Kessler (Mr. President):

Senate Bill No. 403—A Bill to amend and reenact §51-9-4 of the Code of West Virginia, 1931, as amended, relating to the judicial retirement system; reducing the contribution rate of judges; authorizing the Consolidated Public Retirement Board to annually establish future participant contribution rates based on the State Actuary's report; and limiting the participant contribution rate to ten and one-half percent of a participant's salary.

Referred to the Committee on Pensions; and then to the Committee on Finance.

Senators Cann, Facemire, Williams, Chafin and McCabe offered the following resolution:

Senate Concurrent Resolution No. 13—Requesting the Division of Highways to name the bridge over Skin Creek on Skin Creek Road in Lewis County, bridge number 21-30-7.25, the "J. Cecil Jarvis Memorial Bridge".

Whereas, J. Cecil Jarvis was born on May 11, 1949, in Clarksburg, West Virginia, and passed away as a result of a bicycle crash on the bridge over Skin Creek on Skin Creek Road in Lewis County on May 27, 2007; and

Whereas, J. Cecil Jarvis grew up in Clarksburg, West Virginia, and graduated from Washington Irving High School; and

Whereas, J. Cecil Jarvis graduated from Lehigh University and Vanderbilt Law School; and

Whereas, J. Cecil Jarvis practiced for over thirty years with the Clarksburg, West Virginia, law firm of McNeer, Highland, McMunn & Varner; and

Whereas, J. Cecil Jarvis was a member of the Bridgeport United Methodist Church of Bridgeport, West Virginia; and

Whereas, J. Cecil Jarvis was survived by his wife, Rebecca, his children, Amy, Jennie and Brian, and his grandchildren, Nathan, John, Henry, Cole and Evelyn; and

Whereas, J. Cecil Jarvis served two terms on the board of directors of United Hospital Center, was chairman of the board for several years and was a leader and champion of the fund raising for and building of the new United Hospital Center Building; and

Whereas, J. Cecil Jarvis served on the board of directors of the West Virginia United Health System, and was highly instrumental in merging United Hospital Center into the West Virginia United Health System; and

Whereas, J. Cecil Jarvis served as president of Clarksburg Publishing Company from 2002 until his passing, publishing the widely circulated *Clarksburg Exponent-Telegram*, and contributing a weekly column based on estate planning and taxation; and

Whereas, J. Cecil Jarvis served on the board of the Harrison County Chamber of Commerce and served as president of the Harrison County Bar Association; and

Whereas, J. Cecil Jarvis was a strong advocate for healthy living, pursuing athletic and outdoor activities at every opportunity, including hunting, fishing, four Iron Man triathlons and two Boston marathons, the last completed shortly before his passing; and

Whereas, It is fitting and proper that J. Cecil Jarvis' life, distinguished career, service to his community and the outstanding example he set for his peers and members of the next generation be honored by naming the bridge over Skin Creek on Skin Creek Road in Lewis County, bridge number 21-30-7.25, the "J. Cecil Jarvis Memorial Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge over Skin Creek on Skin Creek Road in Lewis County, bridge number 21-30-7.25, the “J. Cecil Jarvis 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 “J. Cecil Jarvis 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 Secretary of the Department of Transportation and to the family of J. Cecil Jarvis.

Which, under the rules, lies over one day.

Senators Facemire, Cann, Unger, Yost, Chafin, Miller, Plymale and Williams offered the following resolution:

Senate Resolution No. 22—Congratulating the Shinnston Little League All-Star team for winning the 2012 West Virginia Little League Championship.

Whereas, The Shinnston Little League All-Star team had an amazing summer, which resulted in the team winning the 2012 West Virginia Little League Championship with an 11-10 victory over Barboursville in the championship game; and

Whereas, The Shinnston Little League All-Star team represented West Virginia in the Southeast Regional Championship of the Little League World Series; and

Whereas, The Shinnston Little League All-Star team is led by manager Carl Hoskinson and coaches Jarrod Carpenter and Randy Akers; and

Whereas, The Shinnston Little League All-Star team consists of players Noah Hoskinson, Kobie Carpenter, Spencer McDougal,

Gibson Barnard, Noah Strader, Isaiah Barksdale, David Akers, Nathanael Thompson, Dustin Marks and Hunter McGary; and

Whereas, The Shinnston Little League All-Star team displayed its strong will and determination for an entire summer and is a shining example of what can be accomplished through teamwork, dedication and commitment; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Shinnston Little League All-Star team for winning the 2012 West Virginia Little League Championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Shinnston Little League All-Star team.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

Com. Sub. for Senate Concurrent Resolution No. 5, Requesting DOH name bridge in Wetzel County “Army Sgt. Norman R. Cunningham Memorial Bridge”.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 172, Relating to nonintoxicating beer distributor licensees.

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

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the tenth order of business.

Senate Bill No. 197, Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts.

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

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Friday, March 1, 2013, at 11 a.m.

FRIDAY, MARCH 1, 2013

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Tommy Bartlett, Assistant Pastor, Maranatha Baptist Church, Charleston, West Virginia.

Greenbrier Academy for Girls Drum Ensemble, Pence Springs, West Virginia, proceeded in the playing of the traditional West African rhythms “Alfunga” and “Kuku”.

Pending the reading of the Journal of Thursday, February 28, 2013,

On motion of Senator Carmichael, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2505—A Bill to amend and reenact §24B-4-6 of the Code of West Virginia, 1931, as amended, relating to civil penalties imposed by the Public Service Commission for pipeline safety violations; increasing civil penalties; providing that civil penalties collected by the Public Service Commission are submitted to the Treasurer for deposit in the General Revenue Fund; and prohibiting consideration of assessed penalties for rate increases.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill No. 101 (originating in the Committee on Health and Human Resources), Relating to nursing home liability.

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

Com. Sub. for Com. Sub. for Senate Bill No. 101 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §16-5C-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that the Medical Professional Liability Act applies to nursing homes and their health care providers.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 257, Authorizing DHHR promulgate legislative rule relating to regulation of opioid treatment programs.

Senate Bill No. 260, Authorizing DHHR promulgate legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults.

Senate Bill No. 264, Authorizing DHHR promulgate legislative rule relating to general sanitation.

Senate Bill No. 265, Authorizing DHHR promulgate legislative rule relating to Grade A pasturized milk.

And,

Senate Bill No. 268, Authorizing DHHR promulgate legislative rule relating to regulation of opioid treatment programs.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 259, Authorizing DHHR promulgate legislative rule relating to child care centers' licensing.

And has amended same.

And,

Senate Bill No. 263, Authorizing DHHR promulgate legislative rule relating to pulse oximetry newborn testing.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary, with amendments from the Committee on Health and Human Resources pending.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 344, Requiring meeting of certain county board of education officials belonging to same regional education service agency.

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

Com. Sub. for Senate Bill No. 344 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-26a, relating to regional meetings among certain officials of county boards of education; establishing purposes and limitation; requiring notice; setting forth the responsibilities of county and state education officials; soliciting input from organizations having an interest in education; requiring certain reports; and providing a process for approval of training.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Robert H. Plymale,
Chair.

On motion of Senator Plymale, the bill (Com. Sub. for S. B. No. 344) contained in the foregoing report from the Committee on Education was referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills and joint resolution were introduced, read by their titles, and referred to the appropriate committees:

By Senators Cookman, Stollings, Miller, Williams, Fitzsimmons, Green and Palumbo:

Senate Bill No. 404—A Bill to amend and reenact §49-1-3 of the Code of West Virginia, 1931, as amended, relating generally to child abuse and neglect; and clarifying that a child who is physically healthy and presumed safe is a neglected child if the child is habitually absent from school without good cause.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

By Senators Cann, D. Hall, Prezioso, Sypolt and Carmichael:

Senate Bill No. 405—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-11a, relating to preventing taxpayer subsidization of health insurance covering elective abortions; prohibiting all qualified health plans offered through a state exchange from including abortion coverage except to prevent the death of the mother; and preventing all other health plans, including health insurance contracts, plans or policies, offered outside of the exchange, but within the state, from providing coverage for elective abortions except by optional separate supplemental coverage for abortion.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Jenkins, McCabe and Cann:

Senate Bill No. 406—A Bill to amend and reenact §7-14D-2, §7-14D-7, §7-14D-9, §7-14D-16 and §7-14D-19 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §7-14D-7a, all relating to the Deputy Sheriff Retirement System Act; modifying the definition of “member” in said article; adding a definition for the terms “retire” and “retirement” to said article; correction of errors; clarifying that an estimation of benefits is provided prior to the submission of a retirement application from a member; and making technical corrections.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senator Stollings:

Senate Bill No. 407—A Bill to amend and reenact §48-18-132 of the Code of West Virginia, 1931, as amended, relating to locating parents for the purpose of establishing paternity, establishing or modifying a support order, enforcing support orders or distributing support; and information required from telephone and cellular telephone companies.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senators Unger and Prezioso:

Senate Bill No. 408—A Bill to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating to only allowing a private owner, lessee or other person charged with the care, custody and control of real property to prohibit the carrying, openly or concealed, of any firearm or deadly weapon on private property under his or her domain.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Stollings and Cann:

Senate Bill No. 409—A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9A-8 of said code, all relating to modifying the funding ratio of school students to counselors; providing counties with the flexibility to set caseload standards so long as the standards equally distribute counselors to students at each academic level throughout the county; and providing protection for counties that currently exceed the proposed funding ratio.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Tucker, Fitzsimmons, Laird, Miller, Snyder, Walters, Yost, D. Hall, Kessler (Mr. President) and Stollings:

Senate Bill No. 410—A Bill to amend and reenact §33-17A-4 of the Code of West Virginia, 1931, as amended, relating to property insurance declination, termination and disclosure; providing that property insurance coverage policy in force for at least three years may not be denied renewal or canceled as a result of any claim arising from natural causes; and providing that an insured may not cancel or fail to renew a property insurance coverage policy solely because the insured inquires about coverage for a potentially covered loss.

Referred to the Committee on Banking and Insurance.

By Senator Stollings:

Senate Bill No. 411—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto six new sections, designated §48-14-1101, §48-14-1102, §48-14-1103, §48-14-1104, §48-14-1105 and §48-14-1106, all relating to establishing a child support insurance match program that will assist the Bureau for Child Support Enforcement in determining whether a claimant has a child support obligation; requiring certain insurance companies to notify the bureau of nonrecurring insurance settlements; providing exemptions; setting forth additional information insurance companies must provide; setting forth the bureau's and the insurance companies' respective obligations; requiring health insurance companies to participate in a data matching program with the bureau to assist in determining the availability of sources of health care insurance or coverage for beneficiaries of the child support program; setting forth what information is to be supplied by the insurance companies and providing exceptions; exempting insurance companies from liability for providing the requested information; granting the bureau enforcement responsibilities; establishing monetary penalties; and authorizing rulemaking.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Miller, Williams, Kessler (Mr. President) and Sypolt:

Senate Bill No. 412—A Bill to amend and reenact §19-21A-7 of the Code of West Virginia, 1931, as amended, relating to removal of elected county conservation district supervisors from office.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senators Laird, Kessler (Mr. President), Beach, Cann, Cookman, Edgell, Facemire, Jenkins, McCabe, Miller, Snyder, Tucker, Wells, Unger, Stollings, Prezioso and Plymale:

Senate Bill No. 413—A Bill to repeal §3-12-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1A-5 of said code; and to amend and reenact §3-12-1, §3-12-2, §3-12-3, §3-12-4, §3-12-6, §3-12-7, §3-12-9, §3-12-10, §3-12-11, §3-12-13, §3-12-14 and §3-12-16 of said code, all relating to making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program; providing an additional finding; modifying an existing definition; deleting a definition; providing that a candidate may not collect exploratory contributions after filing a declaration of intent; limiting the amounts an individual may contribute during certain periods; requiring all contributions to candidates participating in the program be collected by the candidate's financial agent; increasing the amounts of financing certified candidates may receive in contested elections; removing provisions that permit the release of additional funds in certain circumstances; removing certain reporting requirements; and removing a provision permitting the doubling of civil penalties.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Laird and Miller:

Senate Bill No. 414—A Bill to amend and reenact §20-2-32 of the Code of West Virginia, 1931, as amended, relating to issuing hunting and fishing licenses; and clarifying who are license-issuing authorities.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

By Senators Cookman, Stollings, Plymale and Palumbo:

Senate Bill No. 415—A Bill to amend and reenact §49-5D-3 and §49-5D-3c of the Code of West Virginia, 1931, as amended, all relating generally to multidisciplinary team meetings for juveniles

committed to the custody of the West Virginia Division of Juvenile Services; requiring such meetings be held quarterly; authorizing the directors of detention centers to call such meetings in certain circumstances; and requiring that team members be notified that they may participate in team meetings electronically.

Referred to the Committee on Health and Human Resources; and then to the Committee on Government Organization.

By Senators Laird, Jenkins, Stollings, Miller and Nohe:

Senate Bill No. 416–A Bill to amend and reenact §25-1A-2 of the Code of West Virginia, 1931, as amended, relating to administrative remedies for prisoners generally; defining “administrative remedies”; bringing law into federal compliance; and requiring that a prisoner first exhaust such remedies prior to resorting to litigation.

Referred to the Committee on the Judiciary.

By Senators Chafin and Plymale:

Senate Joint Resolution No. 7—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section twelve, relating to reducing from sixty percent to a simple majority the number of votes required for approval of an excess levy, bond issue or incurring of indebtedness by a county, a municipality or a county board of education; allowing counties, cities, school districts and municipal corporations to approve, by a vote of the people, levies, excess levies, the incurring of indebtedness and bond issues by a majority of the votes cast for and against the same, notwithstanding any other provision of the Constitution to the contrary; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

Senators Cann, Barnes, Cookman, Facemire, McCabe, Tucker, Williams and Stollings offered the following resolution:

Senate Concurrent Resolution No. 14—Requesting the Division of Highways to name a stretch of highway in Upshur County, West Virginia, on State Route 20 from milepost 26 at the intersection of State Route 20 and U. S. Route 33 to milepost 27, the “Thomas B. Dunn Memorial Highway”.

Whereas, Thomas B. Dunn died April 24, 2012, at the Avow Hospice House in Naples, Florida. He was born January 22, 1943, in Washington, Pennsylvania, a son of the late James Lincoln and Lucille Babbitt Dunn. He married Carol Jean Campbell on July 11, 1964, and they had two daughters, Tracy Cunningham (husband Mark) and Jennifer Fluke (husband Eric) of Buckhannon. In addition to being survived by his widow and daughters, he is survived by two granddaughters, Carson Cunningham and Caroline Fluke, both of Buckhannon; two grandsons, Grant Cunningham and Bryson Fluke, both of Buckhannon; his precious Bichon, Lilly; one brother, Joseph L. Dunn of Washington, Pennsylvania; one sister, Ann Bridges and husband Cliff of Greensboro, North Carolina, and several nieces and nephews; and

Whereas, Thomas B. Dunn was an exceptional leader and mentor to many in the community and oil and gas industry. He was respected and loved by many. Mr. Dunn graduated from Trinity High School, Washington, Pennsylvania, Class of 1960, and West Virginia Wesleyan College with a B. A. degree, Class of 1964. He was the third generation in the oil and gas business. In his early years he worked in the field for Union Drilling, Inc., a drilling contractor and producer in the Appalachian Basin. After graduation from college, he worked full time at Union Drilling, Inc., in Buckhannon, as Lease and Right-of-Way Agent, eventually working into the supervision of well completion. He became President of Union Drilling, Inc., in 1972, and held the position until 1987. He founded D-Aspen, Inc., in 1986 and served as president from 1986-1996. He founded Tuscany Gas,

LLC, in 1996 and served as a member. He co-founded Phoenix Diversified Ventures, Inc., in 1987 and served as President. He co-founded Phoenix Energy Sales Company in 1995 and served as president; co-founded T and F Operating, Inc., in 1998 and served as President. He co-founded T and F Exploration, LP, in 1998 and served as Limited Partner. At the time of his death he held membership in: Independent Oil and Gas Association of WV (IOGA WV), Pennsylvania Independent Oil and Gas Association (PIOGA), Independent Petroleum Association of America (IPAA), Ohio Oil and Gas Association (OOGA), West Virginia Oil and Natural Gas Association (WVONGA) and the Society of Petroleum Engineers, Inc. He served IOGA WV as past president, as a member of the board of directors and a member of various committees. He served IPAA as Regional Governor, Director, Area Vice President, member of Executive Committee and member of the Board of Governors, Roustabout Club charter member. He served WVONGA as past president, and was a member of the board of directors. He was former Vice President of Virginia Oil and Gas Association; former member of New York State Oil Producers Association, Inc., and actively participated in other states' associations. Thomas B. Dunn served Appalachian Energy Group (AEG) as President for several terms. He was a member of Board of Directors of St. Joseph's Hospital Foundation and a former member of the Board of Trustees of West Virginia Wesleyan College. He was a founding member of Naples National Golf Club and The Old Collier Golf Club both in Naples, Florida. He was involved in Buckhannon/Upshur County, West Virginia, civic organizations, including one of the five who arranged initial broad community funding for the current Upshur County Development Authority. He was a former member of the West Virginia National Guard, Kappa Alpha Order Fraternity and was instrumental in the Buckhannon Parks and Recreational Complex. Thomas B. Dunn was recognized for his service to the industry by oil and gas associations and service to the community. He was the West Virginia Oil and Gas Man of the Year, 1982. He received the West Virginia Wesleyan College Alumni Award, 1982. He was the Buckhannon Business and Professional Women's Club

Outstanding Employer of the Year, 1985. He was one of the two initial recipients of IOGA WV Distinguished Service Gunslinger Award, 1992. And he greeted President George W. Bush upon his arrival at Morgantown Municipal Airport, Morgantown, West Virginia, July 4, 2005; and

Whereas, When Thomas B. Dunn died of cancer in Naples, Florida, in April, 2012, he left behind invaluable, often unknown contributions to the oil and gas industry, as well as to the Upshur County community. He was a man of boundless generosity, selfless, sacrificing and always smiling. Most of all, he was a wonderful and loving husband, father and grandfather who cherished his family more than anything. The contributions of this man to his community and industry should not go unnoticed; and

Whereas, It is fitting to honor Thomas B. Dunn by naming a stretch of highway in Upshur County, West Virginia, on State Route 20 from milepost 26 at the intersection of State Route 20 and U. S. Route 33 to milepost 27 for Thomas B. Dunn; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name a stretch of highway in Upshur County, West Virginia, on State Route 20 from milepost 26 at the intersection of State Route 20 and U. S. Route 33 to milepost 27, the “Thomas B. Dunn Memorial Highway”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the stretch of highway as the “Thomas B. Dunn Memorial Highway”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to the surviving widow, children and relatives of Thomas B. Dunn.

Which, under the rules, lies over one day.

Senators Beach, D. Hall, Unger, Kessler (Mr. President), Stollings, Cann, Williams, Fitzsimmons, Prezioso, Plymale, McCabe, Wells and Miller offered the following resolution:

Senate Resolution No. 23—Honoring the victims and survivors of the 1972 Blacksville Mine Fire.

Whereas, On Saturday, July 22, 1972, at approximately 7:30 p.m., a mine fire broke out along the no. 3 North mains track of the Blacksville no. 1 mine, located in Monongalia County; and

Whereas, The fire erupted when the continuous miner came into contact with a trolley wire while the mine was idled for routine maintenance and equipment moves; and

Whereas, The immediate attempts of Glen Cale, motor operator, to extinguish the fire with a twenty-pound fire extinguisher were unsuccessful. Cale and fellow motorman Frank Strakal attempted to extinguish the fire with a one hundred fifty-pound fire extinguisher, but were forced to abandon their efforts by thick smoke; and

Whereas, There were a total of forty-three miners underground at the time of the fire, but only thirty-four successfully escaped; and

Whereas, The first rescue teams were not assembled and prepared to enter the mine until 12:40 a.m. on July 23, 1972, but roof falls restricted air flow causing the return airways to load up with methane and the rescue teams were ordered to evacuate the mine; and

Whereas, There was an explosion at 2:42 p.m. on July 23, 1972, while rescue teams were evacuating the mine. All rescuers

reached the surface by 3:00 p.m., but two additional explosions occurred leading to a determination to seal the mine; and

Whereas, The seals were breached on January 2, 1973, and the bodies of the nine victims were recovered and taken to the surface, but before the mine could be totally recovered the fire rekindled and the immediate fire areas were resealed; and

Whereas, A withdrawal order issued by the U. S. Bureau of Mines, prohibiting the removal of the seals without prior approval, remains in effect; and

Whereas, Sadly, Terrance Stoneking of Mt. Morris, PA, perished in the mine at age twenty-nine leaving behind a wife and daughter; and

Whereas, Sadly, Frederick Phillips of Mt. Morris, PA, perished in the mine at age forty-two leaving behind a wife, two daughters and two sons; and

Whereas, Sadly, Conrad Belt of Morgantown, WV, perished in the mine at age thirty-four leaving behind a wife, two daughters and two sons; and

Whereas, Sadly, Billy Murray of Morgantown, WV, perished in the mine at age thirty-seven leaving behind a wife and two daughters; and

Whereas, Sadly, Roy Sisler of Morgantown, WV, perished in the mine at age twenty-four leaving behind a wife and son; and

Whereas, Sadly, Roy Dalton of Morgantown, WV, perished in the mine at age forty-two leaving behind a wife, daughter and three sons; and

Whereas, Sadly, Kenneth Haines of Westover, WV, perished in the mine at age twenty-one leaving behind a wife and son; and

Whereas, Sadly, Robert Tressler of Westover, WV, perished in the mine at age thirty-two leaving behind a wife, daughter and son; and

Whereas, Sadly, Justin Beach of Morgantown, WV, perished in the mine at age twenty-three leaving behind a wife and daughter; therefore, be it

Resolved by the Senate:

That the Senate hereby honors the victims and survivors of the 1972 Blacksville Mine Fire; and, be it

Further Resolved, That the Senate hereby honors the memory of the nine miners who perished in the Blacksville mine fire on July 22, 1972; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Blacksville Mine Memorial Foundation.

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

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 13, Requesting DOH name bridge in Lewis County “J. Cecil Jarvis Memorial Bridge”.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 172, Relating to nonintoxicating beer distributor licensees.

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

Senate Bill No. 197, Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts.

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill No. 47, Creating General Livestock Trespass Law.

Senate Bill No. 194, Repealing code relating to Medicaid program contract procedure.

Senate Bill No. 214, Eliminating interview requirement for certain medical licensee applicants.

Com. Sub. for Senate Bill No. 335, Permitting certain hospitals exemption from certificate of need.

And,

Senate Bill No. 338, Relating to liability of possessor of real property for harm to trespasser.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until Monday, March 4, 2013, at 1 p.m.

MONDAY, MARCH 4, 2013

The Senate met at 1 p.m.

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

Prayer was offered by Pastor Corbet May, St. John United Methodist Church, South Charleston, West Virginia.

Pending the reading of the Journal of Friday, March 1, 2013,

On motion of Senator Wells, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2314—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-6-9a, relating to authorizing a family court judge to order the emergency custody of a child in the physical custody of a party to an action or proceeding before the family court; requiring the Department of Health and Human Resources to immediately respond and assist the family court judge in emergency placement of the child; and providing additional procedures when a child is ordered taken into emergency custody.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2487—A Bill to repeal §16-5A-9a of the Code of West Virginia, 1931, as amended, relating to prohibiting the use of laetrile.

Referred to the Committee on Health and Human Resources.

Executive Communications

Senator Kessler (Mr. President) laid before the Senate the following communication from His Excellency, the Governor:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 4, 2013

Senate Executive Message No. 3

TO: The Honorable Members of the
West Virginia Senate

Ladies and Gentlemen:

I respectfully withdraw the following nomination for your advice and consent from Executive Message No. 2 dated February 18, 2013; the nominee has declined his appointment:

120. For Member, Lottery Commission, Joey Crawford, St. Albans, Kanawha County, for the term ending June 30, 2016.

Thank you for correcting your records.

Sincerely,

Earl Ray Tomblin,
Governor.

Which communication was received and referred to the Committee on Confirmations.

The Senate proceeded to the fourth order of business.

Senator Jenkins, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill No. 65, Exempting PERS retirement income of DNR police officers from state income tax.

And reports the same back with recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Evan H. Jenkins,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Jenkins, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill No. 231, Authorizing CPRB promulgate legislative rule relating to benefit determination and appeal.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Evan H. Jenkins,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Jenkins, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill No. 358, Relating to municipal policemen and firemen pensions.

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

Com. Sub. for Senate Bill No. 358 (originating in the Committee on Pensions)—A Bill to amend and reenact §8-22-18a, §8-22-19a and §8-22-25 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §8-22-18c; and to amend and reenact §8-22A-4 and §8-22A-9 of said code, all relating to municipal policemen and firemen pensions; providing additional investigatory and legal powers and duties of the West Virginia Municipal Pensions Oversight Board; liability for board acts or omissions concerning investigatory or legal actions; requiring certain notice of lawsuit to the West Virginia Municipal Pensions Oversight Board; limiting certain court orders under certain circumstances; clarifying refunds to members; clarifying circumstances in which a member may retire when the member's service has been interrupted by duty with the armed forces of the United States; extending the cut-off date for the West Virginia Municipal Police Officers and Firefighters Retirement System plan to 2017; and continuing the municipality's disability retirement purchase requirement until 2017.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Evan H. Jenkins,
Chair.

The bill (Com. Sub. for S. B. No. 358), under the original double committee reference, was then referred to the Committee on Government Organization.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Carmichael, Blair, Green, D. Hall, Nohe and Walters:

Senate Bill No. 417—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-1B-1, §4-1B-2 and §4-1B-3; to amend said code by adding thereto a new section, designated §9-3-6; and to amend said code by adding thereto a new section, designated §21A-6-18, all relating to the Legislature; mandatory drug testing and treatment for members of the Legislature and withholding of compensation; human services; unemployment compensation; application for and granting of assistance; and implementing random drug testing for recipients of federal-state, state assistance or unemployment compensation benefits.

Referred to the Committee on Health and Human Resources; then to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Jenkins and McCabe:

Senate Bill No. 418—A Bill to amend and reenact §16-5V-2, §16-5V-8, §16-5V-11, §16-5V-20, §16-5V-21 and §16-5V-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §16-5V-8a and §16-5V-35, all relating to the Emergency Medical Services Retirement System; modifying the definition of “annual compensation” as it relates to determining benefits; adding a definition for “contributing service”; adding a definition for the terms “retire” and “retirement”; making technical corrections; correction of participating public employer errors by the board; clarifying eligibility requirements for commencement of benefits; specifying that the board must be in receipt of a request for estimation of benefits prior to providing a member with an explanation of their estimated gross monthly annuity and a retirement application; providing that a member shall have at least ten years of contributing service to qualify for nonduty-related disability retirement; specifying that the total nonduty disability award received by a member shall be based on their average monthly compensation during the twelve-month period immediately preceding the disability award; providing that all costs associated with disability benefit examinations shall be paid from the board’s expense fund; providing that disability benefits shall cease on the first day of the month following termination of disability by the board; requiring annual disability recertification for a retirant who is less than sixty years of age during the first five years of retirement and once every three years thereafter; providing that if a member who is receiving a nonduty disability benefit dies the surviving spouse shall receive the average monthly compensation received by the member prior to the disability award; and annuity calculation for a member who returns to covered employment after retirement.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senators Jenkins and McCabe:

Senate Bill No. 419—A Bill to amend and reenact §18-7A-3, §18-7A-14, §18-7A-17, §18-7A-23, §18-7A-25 and §18-7A-26 of

the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-7A-14c, all relating to the Teachers Retirement System; specifying the time period in which a participating public employer allocates and reports gross salary to the retirement board; including nonteachers within the definition of “present member”; adding a definition for the terms “retire” and “retirement”; modifying the definition of “teacher member”; correction of errors; requiring nonteachers to file a statement with the retirement board detailing the length of service being claimed for retirement credit; clarifying that members granted prior service credit for qualified military service shall have been honorably discharged from active duty; clarifying provisions for purchasing out-of-state service credit for members who transferred from the Teachers’ Defined Contribution Retirement System; providing that a nonteaching member shall not be considered absent from service while serving as an officer with a statewide professional teaching association; requiring that members make written request to the retirement board to receive credit for service previously credited by the Public Employees Retirement System; providing that all interest paid or transferred on service credit from the Public Employees Retirement System be deposited in the reserve fund; providing that an inactive member may elect to receive an annuity at age sixty; providing that the sole primary beneficiary of a member is eligible for an annuity if the contributor was fifty years old with twenty-five years’ service; providing that a refund beneficiary shall receive the contributor’s accumulated contributions up to the plan year of contributor’s death; providing that a refund beneficiary shall be paid the Teachers’ Defined Contribution Retirement System member contributions transferred plus the vested portion of employer contributions and any earnings; providing that an actively contributing member who is at least sixty years of age is eligible for an annuity; providing that any member who has thirty years of total service in the state as a nonteaching member is eligible for an annuity; specifying that anyone who becomes a new member on or after July 1, 2013, shall have five or more years of contributory service to qualify for retirement; providing that a nonteaching member who is fifty-

five years of age and has served thirty years in the state is eligible for an annuity; clarifying that a nonteaching member is eligible for disability benefits; clarifying the computation of a member's annuity; providing for the commencement date of disability annuity benefits; and making technical corrections.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senators Nohe, Sypolt, Blair, Boley, Carmichael, Cole, D. Hall and Walters:

Senate Bill No. 420—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-16, relating to creating the Firearm Protection Act; providing that any federal law which attempts to ban semiautomatic firearms or to limit the size of a magazine of a firearm or other limitation on firearms in this state is unenforceable in West Virginia; and providing for an effective date.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Nohe, Boley, Carmichael and Walters:

Senate Bill No. 421—A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to providing an exemption for the official mascot of Parkersburg South High School, commonly known as the Patriot, which would allow the mascot to carry a musket on school grounds when the mascot is acting in his or her official capacity.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

By Senators Plymale, Miller, Jenkins and Stollings:

Senate Bill No. 422—A Bill to amend and reenact §29-22A-10 and §29-22A-10b of the Code of West Virginia, 1931, as amended, all relating to the allocation of one half of net terminal income from

racetrack video lottery currently distributed to the Development Office Promotion Fund to the Cultural Facilities and Capitol Resources Matching Grant Program Fund; and technical changes.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Laird, Kirkendoll, Stollings, Kessler (Mr. President), Cookman and Plymale:

Senate Bill No. 423—A Bill to amend and reenact §31-20-5d of the Code of West Virginia, 1931, as amended, relating to providing persons convicted of a criminal offense and sentenced to a six-month confinement in a regional jail a reduction in sentence for successful completion of education and rehabilitation programs.

Referred to the Committee on the Judiciary.

By Senators Facemire and Beach:

Senate Bill No. 424—A Bill to amend and reenact §22-3-11 of the Code of West Virginia, 1931, as amended, relating to the state's jurisdiction over reclaimed sites of bond-forfeited surface mining operations.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

By Senators Tucker, Kessler (Mr. President) and Cookman:

Senate Bill No. 425—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-5-2a; to amend and reenact §27-5-11 of said code; and to amend said code by adding thereto a new section, designated §27-5-12, all relating to mental health treatment alternatives to involuntary commitment; allowing the court to convert an involuntary hospitalization application into a petition for a temporary compliance order; eliminating the sunset provision; modifying the requirements and process necessary to enter a treatment compliance order; clarifying that persons who use the modified procedures of

this section are not subject to reporting to certain databases; and creating a new database for compilation of certain persons to be used by the circuit courts.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 426—A Bill to amend and reenact §46-9-510, §46-9-516 and §46-9-521 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §46-9-516a, all relating to the Uniform Commercial Code and the effectiveness of filed records; creating additional authority to refuse to accept a record; creating circumstances under which a record filing is false; creating criminal penalties for filing or attempting to file a false record; creating civil penalties for filing or attempting to file a false record; setting an administrative procedure initiated by the Secretary of State or a person identified as a debtor on a record; requiring party to an adverse administrative decision by the Secretary of State to file action in Kanawha County Circuit Court if the party wishes to have the Secretary of State's decision reversed; exempting the filing office and its employees from liability; exempting filings by a regulated financial institution or its representatives from certain provisions; clarifying the applicability of provisions to records filed prior to the effective date of this article; and providing for a uniform format for current forms.

Referred to the Committee on Interstate Cooperation; and then to the Committee on the Judiciary.

By Senator Green:

Senate Bill No. 427—A Bill to amend and reenact §62-1A-10 of the Code of West Virginia, 1931, as amended, relating to clarifying requirements for certain motor vehicle searches.

Referred to the Committee on the Judiciary.

By Senator Stollings:

Senate Bill No. 428—A Bill to amend and reenact §16-3C-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-4-19 of said code, all relating to removing the limitations on billing patients for HIV and sexually transmitted disease testing done by state or local public health agencies; and clarifying provisions relating to performing HIV or STD tests on persons accused of a sexual offense.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Stollings:

Senate Bill No. 429—A Bill to amend and reenact §16-5O-2 of the Code of West Virginia, 1931, as amended, relating to removing an adult family care home from the definition of a “facility” for the purposes of the Medication Administration by Unlicensed Personnel Act.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senators Jenkins and McCabe:

Senate Bill No. 430—A Bill to amend and reenact §18-7B-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-7B-21, all relating to the Teachers’ Defined Contribution Retirement System; adding a definition of “employment term”; making a technical correction; and adding a provision relating to correction of errors by participating public employers and the Consolidated Public Retirement Board.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senators Jenkins and McCabe:

Senate Bill No. 431—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-

10D-11, relating to the liability of a participating public employer and its successor to pay delinquent retirement contributions, delinquency fees and related costs; and enforcement and collection of the costs by the Consolidated Public Retirement Board.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senators Jenkins, Kessler (Mr. President), Barnes, Beach, Cann, Carmichael, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Kirkendoll, McCabe, Palumbo, Snyder, Stollings, Unger, Wells, Williams, Yost and Plymale:

Senate Bill No. 432—A Bill to repeal §12-1-12c of the Code of West Virginia, 1931, as amended; to repeal §12-6B-1, §12-6B-2, §12-6B-3 and §12-6B-4 of said code; to repeal §48-2-604 of said code; to amend and reenact §5-10B-3 of said code; to amend said code by adding thereto a new section, designated §5-10B-14; to amend and reenact §12-1-3, §12-1-8, §12-1-11 and §12-1-12b of said code; to amend and reenact §12-2-2 and §12-2-3 of said code; to amend and reenact §12-3-1 of said code; to amend and reenact §12-3A-3 of said code; to amend and reenact §12-5-4 of said code; to amend and reenact §12-6A-1, §12-6A-2, §12-6A-3, §12-6A-4, §12-6A-5, §12-6A-6 and §12-6A-7 of said code; to amend and reenact §12-6C-7 and §12-6C-9 of said code; to amend and reenact §18-30-8 and §18-30-11 of said code; to amend and reenact §33-3-14d of said code; and to amend and reenact §36-8-13 of said code, all relating to the State Treasurer's Office; authorizing organizations exempt from taxation within West Virginia to participate in the deferred compensation plan in accordance with the Internal Revenue Code; authorizing Roth accounts within the deferred compensation plan in accordance with the Internal Revenue Code; authorizing financial institutions to offer products in addition to certificates of deposit; updating references to investing authorities to include the Board of Treasury Investments; raising the amount of eligible deposits from \$100,000 to the amount insured by a federal agency; deleting archaic language pertaining to eligible depositories; amending language pertaining to what constitutes a conflict of

interest for applicants and employees of the Treasurer's Office in connection with financial institutions by prohibiting those persons with a defined conflict from participating in the selection of or in contract negotiations with a depository; authorizing depositories to submit reports in an electronic format; clarifying that payments under the CMIA are interest payments; changing the CMIA report from a quarterly report to an annual report since the calculation is only prepared annually; changing the requirement that deposits are required within twenty-four hours to one business day; establishing standards for receipting of moneys, including reviewing of internal controls by auditors and the Treasurer and ensuring copies of audits are submitted to the Legislative Auditor; ensuring confidential information in internal control procedures is redacted before release; clarifying the definitions of federal, special and general revenue funds; eliminating reference to the chief inspector of public offices; changing the report to the Legislative Auditor for accounts outside the Treasury from quarterly to an annual report; clarifying that investments are managed by the Board of Treasury Investments in addition to the Investment Management Board; conforming language pertaining to determining the amount of federal funds in stale state checks to the capabilities of the Enterprise Resource Planning System; clarifying that the Treasurer determines the competitive bidding of banking, investment and related goods and offlineservices required for Treasury operations; authorizing the Treasurer to develop procedures for storing, retaining and disposing of records for his or her office; ensuring the Director of the Division of Archives and History receives records with historical value; clarifying that the Treasurer is responsible for earnings received on securities, not just interest; consolidating the Debt Capacity Division into the Debt Management Division; amending legislative findings to acknowledge the importance of monitoring the debt of the state and its spending units; continuing Division of Debt Management as the central information source for debt issued by the state and its spending units; expanding the definition of "debt" to include debentures, lease purchases, mortgages, securitizations and other types of obligations with specific amounts owed and payable on demand or on determinable dates; defining "debt

impact report”, “moral obligation bond”, “net tax supported debt” and “tax supported debt”; amending definition of “spending unit”; eliminating requirement for developing a long-term debt plan; clarifying the division is responsible for continuously evaluating debt and debt service requirements and reviewing all proposed debt offerings of the state and its spending units; clarifying the division is to issue a debt impact report if requested by the Governor, Senate President or House of Delegates Speaker and that the report shall not restrict the Governor, Legislature or spending unit; requiring the division to monitor continuing disclosure requirements and post-issuance compliance issues; eliminating requirement that the Debt Management Division provide staff for the Debt Capacity Division; clarifying the reporting requirements of the division and the spending units; requiring the division to prepare and issue the debt capacity report; clarifying the Treasurer promulgates the rules; altering the bond required for the Board of Treasury Investments from \$50 million to at least \$10 million, as set by the board; updating language pertaining to rating agencies to nationally recognized statistical rating organizations; permitting investment in corporate debt in investment-grade securities and in money market and other fixed-income funds; authorizing the board to make loans specified by the Legislature and to offer an equipment and software financing program for state government entities; removing requirement that direct or guaranteed obligations of the United States constitute at least fifteen percent of the consolidated fund; providing that securities falling out of compliance with the code do not have to be sold if the investment manager and investment consultant recommend retention; authorizing moneys in the College Prepaid Tuition and Savings Program Administrative Account be used to provide matching grants and scholarships for the program; clarifying the value of a prepaid tuition or savings plan account is not considered for purposes of determining eligibility for income-based governmental financial assistance unless required by federal law; satisfying amounts due to and from policemen’s and firemen’s pension and relief funds and the Teachers Retirement System; authorizing expenses related to operations and programs of the Office of the Treasurer from the Unclaimed Property Fund;

authorizing transfer of moneys from the Unclaimed Property Trust Fund for payment to policemen's and firemen's pension and relief funds; and making various technical clean-up revisions.

Referred to the Committee on Pensions; and then to the Committee on Finance.

Senators Kirkendoll, Stollings, Beach and Plymale offered the following resolution:

Senate Concurrent Resolution No. 15—Requesting the Division of Highways to name the Logan County Route 5/12 (White Oak Road) from the junction of White Oak Creek Road (Co. Rt. 5/11) 0.00-0.35 the “Private First Class Troy Franklin Tomblin Memorial Highway”.

Whereas, Troy Franklin Tomblin was born March 25, 1947, to Troy and Nettie Tomblin in Harts, West Virginia. He had six siblings. He was a Baptist and graduated from Chapmanville High School in 1965. He enlisted in the United States Army and started a tour of duty on October 29, 1966, as a Private First Class Infantryman, a member of B CO, 2nd BN, 8th Infantry, 4th Inf Div, USARV in Vietnam. He was killed in action in Kontum Province, South Vietnam, on February 21, 1967. Private First Class Troy Franklin Tomblin was awarded the Purple Heart, Vietnam Service Medal, Vietnam Campaign Medal and National Defense Medal; and

Whereas, Private First Class Troy Franklin Tomblin gave his life in the service of his country and state and his sacrifice should not go unnoticed; and

Whereas, It is fitting to honor Private First Class Troy Franklin Tomblin by naming the Logan County Route 5/12 (White Oak Road) from the junction of White Oak Creek Road (Co. Rt. 5/11) 0.00-0.35 the “Private First Class Troy Franklin Tomblin Memorial Highway”; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the Logan County Route 5/12 (White Oak Road) from the junction of White Oak Creek Road (Co. Rt. 5/11) 0.00-0.35 the “Private First Class Troy Franklin Tomblin Memorial Highway”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the “Private First Class Troy Franklin Tomblin Memorial Highway”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to the surviving family and relatives of Troy Franklin Tomblin.

Which, under the rules, lies over one day.

Petitions

Senator Snyder presented a petition from Rod Arrington and numerous West Virginia residents, supporting Senate Bill No. 103 (*Creating WV Commuter Rail Access Act*).

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 14, Requesting DOH name portion of State Route 20 in Upshur County “Thomas B. Dunn Memorial Highway”.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 172, Relating to nonintoxicating beer distributor licensees.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 172) passed with its title.

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

Eng. Senate Bill No. 197, Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale,

Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 197) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 197) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 47, Creating General Livestock Trespass Law.

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

Senate Bill No. 194, Repealing code relating to Medicaid program contract procedure.

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

Senate Bill No. 214, Eliminating interview requirement for certain medical licensee applicants.

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

Com. Sub. for Senate Bill No. 335, Permitting certain hospitals exemption from certificate of need.

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

Senate Bill No. 338, Relating to liability of possessor of real property for harm to trespasser.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Com. Sub. for Senate Bill No. 101, Clarifying Medical Professional Liability Act applies to nursing homes and their health care providers.

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

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Tuesday, March 5, 2013, at 11 a.m.

TUESDAY, MARCH 5, 2013

The Senate met at 11 a.m.

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

Prayer was offered by the Honorable Ronald F. Miller, a senator from the tenth district and Pastor, Shuck Memorial Baptist Church, Lewisburg, West Virginia, and West Point Baptist Church, Asbury, West Virginia.

Pending the reading of the Journal of Monday, March 4, 2013,

On motion of Senator Boley, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. House Bill No. 2586—A Bill to amend and reenact §30-6-8 of the Code of West Virginia, 1931, as amended, relating to qualifications for a license to practice embalming.

Referred to the Committee on Government Organization.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 139, Requiring sellers of precious metals and gems present photo ID to dealers.

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

Com. Sub. for Senate Bill No. 139 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-3-51 of the Code of West Virginia, 1931, as amended, relating to regulation of certain purchases of precious metals and gems generally; requiring purchasers to comply with applicable licensing and permitting requirements; exempting bullion purchases from the provisions of this section; requiring sellers of precious metals and gems to provide photo identification to dealers; defining terms; requiring the purchasers to maintain information on precious metal transactions for three years; and establishing criminal penalties including business debarment.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Miller, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill No. 229, Authorizing Conservation Committee promulgate legislative rule relating to operation of State Conservation Committee and conservation districts.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original triple committee reference first be referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

Respectfully submitted,

Ronald F. Miller,
Chair.

The bill, under the original triple committee reference, was referred to the Committee on Natural Resources; and then to the Committee on the Judiciary, with an amendment from the Committee on Agriculture and Rural Development pending.

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

Your Committee on Finance has had under consideration

Senate Bill No. 270, Authorizing Insurance Commissioner promulgate legislative rule relating to provider-sponsored networks.

With an amendment from the Committee on Banking and Insurance pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Banking and Insurance to which the bill was first referred; but under the original triple committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

The bill, under the original triple committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Banking and Insurance pending.

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

Your Committee on Finance has had under consideration

Senate Bill No. 276, Authorizing Lottery Commission promulgate legislative rule relating to state lottery rules.

Senate Bill No. 299, Authorizing Racing Commission promulgate legislative rule relating to thoroughbred racing.

And,

Senate Bill No. 319, Authorizing State Tax Department promulgate legislative rule relating to valuation of commercial and industrial real and personal property for ad valorem property tax purposes.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Miller, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill No. 341, Requiring livestock be enclosed by fence.

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

Com. Sub. for Senate Bill No. 341 (originating in the Committee on Agriculture and Rural Development)—A Bill to repeal §19-17-5, §19-17-6, §19-17-7, §19-17-8, §19-17-10 and §19-17-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-17-1, §19-17-2, §19-17-3 and §19-17-4 of said code, all relating to requiring livestock be enclosed by a fence; stating that fences are for grazing and livestock purposes; clarifying the procedures adjoining landowners shall follow to build, maintain and repair partition fences; requiring adjoining landowners to pay for a just proportion of the cost of partition fence; requiring notice; providing an exception for emergency repairs; providing dispute resolution and civil actions; and authorizing the Commissioner of Agriculture to promulgate rules and emergency rules.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ronald F. Miller,
Chair.

The bill (Com. Sub. for S. B. No. 341), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Miller, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill No. 412, Relating to removal of elected county conservation district supervisors from office.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ronald F. Miller,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Tucker and Plymale:

Senate Bill No. 433—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-1A-12, relating to creating an informal dispute resolution process available to providers or licensees of the Department of Health and Human Resources.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Tucker, Fitzsimmons, Laird, Miller, Snyder, Walters, Yost, Kessler (Mr. President), Sypolt and Plymale:

Senate Bill No. 434—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-20-18a, relating to prohibiting insurers from increasing premiums following payment of a claim when event resulting in claim did not result from negligent acts of omissions of insured.

Referred to the Committee on Banking and Insurance.

By Senators Snyder, Miller, Kessler (Mr. President), Jenkins, Yost, Stollings, Plymale, McCabe, Fitzsimmons, Palumbo and Beach:

Senate Bill No. 435—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to continuing the Municipal Home Rule Pilot Program; legislative findings; authorizing certain municipalities to participate in the program; changing the membership of the Municipal Home Rule Board; clarifying the powers and duties of the board; written plan requirements for municipalities; ordinance requirements for municipalities; powers and duties of the participating municipalities; prohibiting certain acts by participating municipalities; amending the written plan; termination date of the pilot program; reporting requirements; and the effect of ordinances passed by the municipalities participating in the pilot program.

Referred to the Committee on Government Organization.

By Senators Prezioso and Facemire:

Senate Bill No. 436—A Bill to amend and reenact §11-21-8g of the Code of West Virginia, 1931, as amended, relating to eliminating eligibility of expenses for qualified rehabilitated building investment credit for residential structures; and specifying effective dates.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Unger, Beach and Yost:

Senate Bill No. 437—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-26, relating to protecting dogs by creating regulations for commercial dog-breeding operations; providing definitions; providing exceptions; allowing commercial breeders to sell dogs only as household pets; requiring a business license if required by the locality; authorizing county commissions to charge a fee to a commercial dog breeder to obtain an annual permit to operate; limiting the amount of the fee which may be charged; providing for the responsibilities of the commercial dog breeder; setting forth the requirements for maintaining adequate housing facilities and primary enclosures; providing for inspections by animal control officers or law-enforcement officers; prohibiting a commercial dog breeder to operate if convicted of animal cruelty; providing for no exemption from these provisions for a facility licensed by the United States Department of Agriculture; and providing criminal penalties.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senators Plymale, Wells and McCabe:

Senate Bill No. 438—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-3F-1, §18B-3F-2, §18B-3F-3, §18B-3F-4, §18B-3F-5, §18B-3F-6, §18B-3F-7, §18B-3F-8 and §18B-3F-9, all relating to reorganization and consolidation of community and technical colleges; providing definitions; legislative findings; requiring development of a strategic reorganization plan; establishing an administrative planning committee; committee membership, terms of offices, powers and duties; providing for appointment of an institutional board of governors, president and other officers; specifying certain duties; providing for transfer of assets and liabilities, operating budgets, orders, policies and procedures; setting forth employee rights and benefits; and requiring notification of employment status by certain date under certain circumstances.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Prezioso, Facemire and Plymale:

Senate Bill No. 439—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-26, relating to correction of certain erroneous distributions, transfers, allocations, overpayments or underpayments; and specifying immunity of agencies, subdivisions and instrumentalities of this state from any fine, penalty, assessment or imposition as a result of, or attributable to, the erroneous distribution, transfer, allocation, overpayment or underpayment of moneys.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Prezioso, Facemire, Stollings and Plymale:

Senate Bill No. 440—A Bill to amend and reenact §11-10-5s of the Code of West Virginia, 1931, as amended, relating to disclosure of confidential taxpayer information; authorizing the disclosure of specified tax information by the Tax Commissioner to the Attorney General; authorizing the disclosure of specified tax information by the Attorney General to specified persons relevant to enforcement of Tobacco Master Settlement Agreement; authorizing the Tax Commissioner to enter into a written agreement with the State Auditor for disclosure of confidential tax information to the State Auditor to facilitate the State Auditor's participation in federal and state offset programs to collect unpaid taxes; and providing for protection and limited use of confidential information.

Referred to the Committee on the Judiciary.

By Senators Prezioso, Facemire, Stollings, Plymale and McCabe:

Senate Bill No. 441—A Bill to amend and reenact §11-10-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §38-10C-2 of said code, all relating to the withdrawal of state tax liens recorded prematurely, inadvertently or erroneously.

Referred to the Committee on the Judiciary.

By Senators Unger, Kessler (Mr. President), D. Hall, Fitzsimmons and Beach:

Senate Bill No. 442—A Bill to amend and reenact §20-2-37 of the Code of West Virginia, 1931, as amended, relating to allowing shooters who are in possession of a firearm in or near the woods to not have to possess a valid hunting license.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senators Tucker, Miller, Snyder, Walters and Kessler (Mr. President):

Senate Bill No. 443—A Bill to amend and reenact §17D-4-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum proof of financial responsibility in motor vehicle insurance coverage.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Plymale, Jenkins and Beach:

Senate Bill No. 444—A Bill to amend and reenact §12-1-12d of the Code of West Virginia, 1931, as amended, relating to increasing the amounts that Marshall University and West Virginia University may have invested with their respective foundations under certain conditions.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Prezioso, Facemire, Stollings, Plymale, McCabe and Beach:

Senate Bill No. 445—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-5bb, relating to the collection of taxes; requiring the

Lottery Commission to offset certain lottery prizes against the state tax liabilities of the prize winner; and authorizing an agreement between the Tax Department and the Lottery Commission for the purpose of establishing collection procedures.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Prezioso, Facemire and Beach:

Senate Bill No. 446—A Bill to amend and reenact §11-14B-14 of the Code of West Virginia, 1931, as amended, relating to conformity with the International Fuel Tax Agreement; and specifying that on and after July 1, 2013, specified provisions of the International Fuel Tax Agreement, as amended and in effect on that date, apply to motor fuel taxes collected under the International Fuel Tax Agreement.

Referred to the Committee on Finance.

By Senator Barnes:

Senate Bill No. 447—A Bill to amend and reenact §21-5A-5 of the Code of West Virginia, 1931, as amended, relating to providing that the prevailing hourly rate of wages as determined by the Division of Labor may not exceed the wage as determined by the federal Davis-Bacon Act for a given locality.

Referred to the Committee on Labor; and then to the Committee on Finance.

By Senators Beach, Plymale, Fitzsimmons and Williams:

Senate Bill No. 448—A Bill to amend and reenact §17A-6-10c of the Code of West Virginia, 1931, as amended, relating to authorizing the commissioner to issue no more than ten additional special demonstration plates, upon a showing of need, to new and used motor vehicle dealers engaged in the business of selling trailers, truck-tractors, road-tractors or trucks and that demonstrate the motor vehicles under actual work conditions to potential purchasers.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Carmichael and Blair:

Senate Bill No. 449—A Bill to amend and reenact §22-15A-5 and §22-15A-22 of the Code of West Virginia, 1931, as amended, all relating to repealing the requirement that covered electronic devices may not be disposed of in a solid waste landfill in West Virginia.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Carmichael:

Senate Bill No. 450—A Bill to repeal §55-7-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §55-7-13a, §55-7-13b and §55-7-13c, all relating to comparative fault; abolishing joint liability; providing that damages be allocated to any defendant held liable in direct proportion to that defendant's percentage of fault; and providing for method of assessing fault of the parties.

Referred to the Committee on the Judiciary.

By Senator Beach:

Senate Bill No. 451—A Bill to amend and reenact §29-3-16a of the Code of West Virginia, 1931, as amended, relating to carbon monoxide detectors in residential units; and clarifying that carbon monoxide detectors are not required unless a structure contains fuel-burning appliances or equipment that emit carbon monoxide byproducts.

Referred to the Committee on the Judiciary.

By Senator Beach:

Senate Bill No. 452—A Bill to amend and reenact §30-7-3 of the Code of West Virginia, 1931, as amended, relating to increasing the

membership of the Board of Examiners for Registered Professional Nurses from five to ten members.

Referred to the Committee on Government Organization.

By Senator Beach:

Senate Bill No. 453—A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to requiring the Supreme Court of Appeals to reimplement the number of magistrates in each county by July 1, 2013.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

Senators Snyder, Kessler (Mr. President), Beach, Cann, Edgell, Fitzsimmons, Green, Laird, McCabe, Miller, Tucker, Unger, Wells, Yost, Plymale, Palumbo and Williams offered the following resolution:

Senate Resolution No. 24—Opposing the United States Supreme Court's interpretation of the Constitution in *Citizens United v. Federal Election Commission* regarding the constitutional rights of corporations; supporting an amendment to the Constitution to provide that corporations are not entitled to the entirety of protections or rights of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech; and calling on Congress to begin the process of amending the Constitution.

Whereas, In 2010 the United States Supreme Court issued its decision in *Citizens United v. Federal Election Commission*, holding that independent spending on elections by corporations and other groups could not be limited by government regulations; and

Whereas, This decision rolled back the legal restrictions on corporate spending in the electoral process, allowing for the

unlimited corporate spending to influence elections, candidate selection and policy decisions; and

Whereas, In reaching this decision, a narrow majority of the Supreme Court, relying on and expanding prior decisions, interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons; and

Whereas, The Supreme Court relied on other prior decisions which afforded the spending of money to influence elections the full protection of the First Amendment and disregarded the distorting and corrupting effects of unlimited money in elections; and

Whereas, In his eloquent dissent, Justice John Paul Stevens rightly recognized that, “corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their ‘personhood’ often serves as a useful legal fiction. But they are not themselves members of ‘We the People’ by whom and for whom our Constitution was established”; and

Whereas, The court’s decision in *Citizens United* severely hampers the ability of federal, state and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity; and

Whereas, Corporations should not be afforded the entirety of protections or rights of natural persons, such that the expenditure of corporate money to influence the electoral process is a form of constitutionally protected speech; and

Whereas, In 2012 the same narrow majority of the Supreme Court voted to strike down longstanding campaign finance laws in the State of Montana without hearing any evidence or argument on that state’s own history and experience with corporate spending and corruption; and

Whereas, Several proposed amendments to the Constitution have been introduced in Congress that would allow government to regulate the raising and spending of money by corporations to influence elections; and

Whereas, On Election Day, 2012, over six million voters across the United States, including the states of Colorado and Montana, had the opportunity to vote on state and local ballot measures calling for a constitutional amendment to limit money in politics, and all proposed initiatives passed overwhelmingly, averaging seventy-five percent support; therefore, be it

Resolved by the Senate:

That the Senate opposes the United States Supreme Court's interpretation of the Constitution in *Citizens United v. Federal Election Commission* regarding the constitutional rights of corporations; supports an amendment to the Constitution to provide that corporations are not entitled to the entirety of protections or rights of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech; and calls on Congress to begin the process of amending the Constitution; and, be it

Further Resolved, That the Senate respectfully opposes the United States Supreme Court's interpretation of the Constitution in *Citizens United v. Federal Election Commission* and related cases allowing unlimited corporate election spending; and, be it

Further Resolved, That the Senate supports an amendment to the United States Constitution to establish that corporations are not entitled to the same rights and protection as natural persons under the Constitution; and, be it

Further Resolved, That such an amendment should assure the power of the federal, state and local governments to limit, regulate and require disclosure of sources of all money spent to influence elections; and, be it

Further Resolved, That the Senate charges the West Virginia Congressional Delegation with the duty to support such an amendment, to work diligently towards its passage and to vote at all stages to advance such legislation in the Congress; and, be it

Further Resolved, That the Senate declares its intention to ratify such an amendment if and when the Congress shall submit it to the states; and, be it

Further Resolved, That the Clerk is hereby directed to deliver a copy of this resolution to the Vice President of the United States and the President pro tempore of the United States Senate, to the Speaker of the House of Representatives, to the Majority and Minority Leaders of both houses of Congress and to each United States Senator and Member of the House of Representatives from West Virginia.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 15, Requesting DOH name Logan County Route 5/12 “Private First Class Troy Franklin Tomblin Memorial Highway”.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 47, Creating General Livestock Trespass Law.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell,

Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 47) passed with its title.

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

Eng. Senate Bill No. 194, Repealing code relating to Medicaid program contract procedure.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 194) passed.

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

Eng. Senate Bill No. 194—A Bill to repeal §9-2-9b of the Code of West Virginia, 1931, as amended, relating to contract procedures for the Medicaid program; and eliminating Department of Health and Human Resources' exemption for contracts for the Medicaid program from purchasing requirements.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 194) takes effect from passage.

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

Eng. Senate Bill No. 214, Eliminating interview requirement for certain medical licensee applicants.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell,

Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 214) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 214) takes effect July 1, 2013.

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

Eng. Com. Sub. for Senate Bill No. 335, Permitting certain hospitals exemption from certificate of need.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 335) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 335) takes effect from passage.

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

Eng. Senate Bill No. 338, Relating to liability of possessor of real property for harm to trespasser.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 338) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 338) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill No. 101, Clarifying Medical Professional Liability Act applies to nursing homes and their health care providers.

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

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Chafin and Miller.

Thereafter, at the request of Senator Cole, and by unanimous consent, the remarks by Senator Chafin were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing and select committees of the Senate, including a minority party caucus,

On motion of Senator Unger, the Senate adjourned until tomorrow, Wednesday, March 6, 2013, at 11 a.m.

WEDNESDAY, MARCH 6, 2013

The Senate met at 11 a.m.

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

Prayer was offered by the Honorable Mike Hall, a senator from the fourth district, and Pastor, New River Presbytery, Pliny, West Virginia.

Pending the reading of the Journal of Tuesday, March 5, 2013,

On motion of Senator Barnes, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Senate Bill No. 125, Permitting Monongalia County Commission to levy special district excise tax.

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

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 236, Authorizing Board of Dental Examiners promulgate legislative rule relating to practitioner requirements for accessing Controlled Substances Monitoring Program database.

Senate Bill No. 277, Authorizing Board of Medicine promulgate legislative rule relating to practitioner requirements for accessing Controlled Substances Monitoring Program database.

Senate Bill No. 278, Authorizing Board of Medicine promulgate legislative rule relating to licensure, disciplinary and complaint procedures; continuing education; and physician assistants.

Senate Bill No. 279, Authorizing Board of Medicine promulgate legislative rule relating to continuing education for physicians and podiatrists.

Senate Bill No. 295, Authorizing Board of Osteopathic Medicine promulgate legislative rule relating to practitioner requirements for controlled substances licensure; accessing Controlled Substances Monitoring Program database.

Senate Bill No. 297, Authorizing Board of Pharmacy promulgate legislative rule relating to controlled substances monitoring.

And,

Senate Bill No. 305, Authorizing Board of Examiners for Registered Professional Nurses promulgate legislative rule relating to practitioner requirements for accessing Controlled Substances Monitoring Program database.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Facemire, from the Committee on Energy, Industry and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry and Mining has had under consideration

Senate Bill No. 249, Authorizing DEP promulgate legislative rule relating to WV/NPDES regulations for coal mining facilities.

And,

Senate Bill No. 280, Authorizing Board of Miner Training, Education and Certification promulgate legislative rule relating to standards for certification of coal mine electricians.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Douglas E. Facemire,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration

Senate Bill No. 250, Authorizing Development Office promulgate legislative rule relating to use of coalbed methane severance tax proceeds.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 267, Authorizing DHHR promulgate legislative rule relating to reportable diseases, events and conditions.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original triple committee reference first be referred to the Committee on Finance; and then to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

The bill, under the original triple committee reference, was referred to the Committee on Finance; and then to the Committee on the Judiciary, with an amendment from the Committee on Health and Human Resources pending.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 292, Authorizing Board of Optometry promulgate legislative rule relating to expanded therapeutic procedures certificates.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Health and Human Resources pending.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 294, Authorizing Board of Osteopathic Medicine promulgate legislative rule relating to licensing procedures for osteopathic physicians.

And has amended same.

And,

Senate Bill No. 323, Authorizing Board of Osteopathic Medicine promulgate legislative rule relating to osteopathic physician assistants.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary, with amendments from the Committee on Health and Human Resources pending.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 326, Establishing appropriation request process for higher education system.

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

Com. Sub. for Senate Bill No. 326 (originating in the Committee on Education)—A Bill to amend and reenact §18B-1A-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-2A-3 of said code, all relating to institutional operating budgets; the West Virginia Network of Educational Telecomputing;

requiring the Higher Education Policy Commission and Council for Community and Technical College Education to propose procedural rules by certain date; specifying prior approval by Legislative Oversight Commission on Education Accountability; setting forth goals and objectives for state institutions of higher education and specifying procedures for measuring attainment; designating a pilot year and requiring certain reports; specifying percentages of operating budgets to be applied to outcomes-based funding annually and designating total percentages; requiring establishment of legislative committee to advise in developing procedural rules; collecting, synthesizing and disseminating data from state institutions of higher education; directing institutional boards of governors to cooperate in certain data-related operations; and providing certain privacy protections.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert H. Plymale,
Chair.

The bill (Com. Sub. for S. B. No. 326), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Military has had under consideration

Senate Bill No. 380, Expanding Military Incentive Program for economically disadvantaged veterans.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Erik P. Wells,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 435, Continuing Municipal Home Rule Pilot Program.

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

Com. Sub. for Senate Bill No. 435 (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to continuing the Municipal Home Rule Pilot Program; legislative findings; authorizing Class I, II, III and IV municipalities to participate in the program; clarifying the voting privileges of members of the Municipal Home Rule Board; clarifying the powers and duties of the board; written plan requirements for municipalities; ordinance requirements for municipalities; powers and duties of the participating municipalities; prohibiting certain acts by participating municipalities; amending the written plan; reporting requirements; termination date of the pilot program; and

the effect of ordinances passed by the municipalities participating in the pilot program.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 435) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time and ordered to second reading.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Prezioso and Facemire:

Senate Bill No. 454—A Bill to amend and reenact §11-14C-2, §11-14C-5, §11-14C-9, §11-14C-10, §11-14C-13 and §11-14C-19 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-14C-6a; to amend and reenact §11-15-18b of said code; and to amend and reenact §11-15A-13a of said code, all relating to the taxation of alternative fuel; defining terms; requiring the Tax Commissioner to determine the gasoline gallon equivalent for alternative fuels; imposing tax on motor fuel equivalent gallons; specifying the point of imposition of tax on alternative fuels not otherwise taxed at the point of imposition; providing that propane used in a motor vehicle is subject to the tax; requiring alternative-fuel bulk end users, providers of alternative fuels and retailers of alternative fuels to be licensed; establishing bonding requirements for alternative-fuel bulk end users, providers

of alternative fuels and retailers of alternative fuels; establishing due dates for returns and payments of tax on alternative fuels; and specifying effective dates for amendments.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Green, Edgell, Fitzsimmons, D. Hall and Yost:

Senate Bill No. 455—A Bill to amend and reenact §19-23-6, §19-23-7, §19-23-9 and §19-23-12b of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22A-3, §29-22A-10 and §29-22A-10b of said code; and to amend and reenact §29-22C-8, §29-22C-10 and §29-22C-26 of said code, all relating to providing that within the minimum and maximum set by the commission, the number of horse races or dog races to be held on a racing day be set by the licensee; providing for use of funds paid to Horsemen's Benevolent and Protective Association from special fund for payment of regular purses; decreasing the number of dates required for a horse or dog race meeting license application; decreasing the number of live racing dates required for receiving telecasts and accepting wagers on horse and dog race meetings; decreasing the number of dates on which live racing must be conducted by racetrack table games licensee; providing for distribution of certain amounts of net terminal income derived from racetrack video lottery terminals; providing for annual racetrack table games license renewal fee; and decreasing percentage of table games privilege tax.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Jenkins, Kessler (Mr. President), Chafin and Plymale:

Senate Bill No. 456—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to workers' compensation; creating a rebuttable presumption that development of certain cancers by professional or volunteer firefighters arose

out of the course of employment; and requiring the Insurance Commissioner to study the effects of the rebuttable presumption.

Referred to the Committee on the Judiciary.

By Senators Prezioso, Tucker, Laird and Plymale:

Senate Bill No. 457—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8a, relating to air-ambulance fees paid by the West Virginia Public Employees Insurance Agency.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Prezioso and Tucker:

Senate Bill No. 458—A Bill to amend and reenact §5-16-3 of the Code of West Virginia, 1931, as amended, relating to permitting the Director of the Public Employees Insurance Agency to operate any of the agency's health benefits plans on a calendar year if it is financially advantageous; and providing that financial plans shall continue to be on a fiscal-year basis.

Referred to the Committee on Banking and Insurance; and then to the Committee on Government Organization.

By Senators Carmichael and D. Hall:

Senate Bill No. 459—A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to disclaimers of warranties with respect to goods which are the subject of or are intended to become the subject of a consumer transaction; prohibition against exclusion, modification or limitation of any warranty or remedy; waiver of warranty on used motor vehicle as to a particular defect or malfunction which dealer has disclosed; conditions permitting as-is sale of used motor vehicle; conspicuous disclosure of as-is sale; as-is sale does not waive express warranties made by dealer; and dealer to conform to federal regulations.

Referred to the Committee on the Judiciary.

By Senators Wells, Green, Barnes, Beach, Edgell, Fitzsimmons, Laird, Snyder, Sypolt, Walters, Yost, Unger, Kessler (Mr. President), Stollings, Jenkins, Cann, Plymale and Williams:

Senate Bill No. 460—A Bill to amend and reenact §11-21-12e of the Code of West Virginia, 1931, as amended, relating to taxation; personal income tax; and exempting active duty military pay for resident individuals serving thirty or more continuous days on active duty in the armed forces of the United States, National Guard or armed forces reserve for the taxable year in which the individual has separated from active military service.

Referred to the Committee on Military; and then to the Committee on Finance.

By Senators Cookman, Beach, Fitzsimmons, D. Hall, Jenkins, Laird, Williams, Unger, Kessler (Mr. President), Stollings, Chafin, Miller, Snyder, Plymale and Palumbo:

Senate Bill No. 461—A Bill to repeal §62-6B-2, §62-6B-3 and §62-6B-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §48-1-308, §48-1-309, §48-1-310 and §48-1-311; to amend said code by adding thereto a new article, designated §49-1A-1 and §49-1A-2; and to amend said code by adding thereto four new sections, designated §61-11-27, §61-11-28, §61-11-29 and §61-11-30, all relating to procedures and protections for child witnesses in domestic relations, child abuse and neglect and criminal proceedings; setting forth the rights of child witnesses; establishing the procedure and safeguards to be used when taking testimony of a child witness; permitting a court in certain instances to permit a child witness to give testimony by closed-circuit television; establishing the procedure to be used when taking testimony of a child witness by closed-circuit television; protecting recordings made of statements by child witnesses; providing for confidentiality; providing for instances when the

child witness may also be a victim; and permitting a support person for a child witness.

Referred to the Committee on the Judiciary.

By Senators Facemire, Beach, Kirkendoll, Palumbo, Cann, Edgell, Snyder, Stollings, D. Hall, McCabe and Plymale:

Senate Bill No. 462—A Bill to amend and reenact §22-3-20 and §22-3-21 of the Code of West Virginia, 1931, as amended, all relating to informal conferences on surface mining permit applications; extending time to hold informal conferences; and extending time from an informal conference in which the secretary must issue or deny a surface mining permit.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

By Senators Kirkendoll, Beach, Facemire, Green, Laird, Snyder and Plymale:

Senate Bill No. 463—A Bill to amend and reenact §24B-5-3 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of special license fees paid by pipeline companies to the Public Service Commission.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on Finance.

By Senators Stollings, Beach, Wells, Kessler (Mr. President), Yost and Unger:

Senate Bill No. 464—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-45-1, §16-45-2, §16-45-3, §16-45-4 and §16-45-5, all relating generally to regulation of tanning facilities; defining terms; setting forth requirements for registration, inspection and obtaining a permit; requiring a consent form; setting forth consent form language; creating operating standards; prohibiting the use of tanning devices by anyone under the age of eighteen; granting

rule-making authority to the Department of Health and Human Resources to regulate tanning facilities; setting forth minimum requirements for the rule; and establishing criminal penalties.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

By Senators Wells, Fitzsimmons, Green, Snyder, Yost, Unger, Stollings, Palumbo and Williams:

Senate Bill No. 465—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-20, relating to providing a fifty-percent discount to organized youth groups for campsite rental or group camping fees at state parks and forests if the group agrees to undertake a community service project that benefits the state park or forest; and rules.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

By Senators Laird, Kessler (Mr. President), Stollings, Fitzsimmons and Williams:

Senate Bill No. 466—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §60B-1-1, §60B-2-1, §60B-2-2, §60B-2-3, §60B-3-1, §60B-3-2, §60B-3-3, §60B-3-4, §60B-3-5, §60B-3-6, §60B-4-1 and §60B-4-2, all relating to the regulation of wild, dangerous animals; creating a regulatory board; providing rule-making authority; and creating offenses and establishing penalties.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

By Senators Laird, Edgell, Kirkendoll and Stollings:

Senate Bill No. 467—A Bill to amend and reenact §20-2-64 of the Code of West Virginia, 1931, as amended, relating to importation and release of certain aquatic species; revising the stocking permit

requirements for the release of aquatic species into state waters; and criminal penalties.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senators Unger, Laird, Kessler (Mr. President), Stollings, Snyder and Fitzsimmons:

Senate Bill No. 468—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-14-1, §15-14-2, §15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7, §15-14-8, §15-14-9, §15-14-10 and §15-14-11, all relating to creating a State Animal Abuse Registry; defining terms; creating a registry of all persons convicted of animal abuse; requiring all persons convicted of animal abuse to register; setting forth the information to be provided when registering; requiring a registrant to pay a fee; creating the Central Abuse Registry Fund; determining how the money in the fund will be used; requiring the registry information to be public; providing an exception from being required to register; setting forth duties of animal breeders, animal shelters and pet stores; and providing criminal penalties.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Jenkins, Kessler (Mr. President), Chafin, McCabe and Plymale:

Senate Bill No. 469—A Bill to amend and reenact §5-10-14 and §5-10-18 of the Code of West Virginia, 1931, as amended, all relating to service credit; retroactive service credit; and reinstatement interest in the Public Employees Retirement System.

Referred to the Committee on Pensions; and then to the Committee on Finance.

Senators Kirkendoll, Stollings, Unger and Green offered the following resolution:

Senate Concurrent Resolution No. 16—Requesting the Division of Highways to name County Route 5/07, also known as Bulwark Ranch Road, that runs off County Route 5 in Logan County, the “Army PFC James Edward Workman Memorial Road”.

Whereas, PFC Workman was born on November 10, 1946, in Logan to Elbert and Lorraine Star Workman; and

Whereas, PFC Workman married Elizabeth St. Clair on January 23, 1967, and had one daughter, Pamela Ann Workman; and

Whereas, PFC Workman served in Company B, 3rd Battalion, 60th Infantry, 9th Infantry Division in the United States Army; and

Whereas, PFC Workman was killed in action on May 23, 1969, in Kien Hoa, South Vietnam, and is buried in the Smith Cemetery; and

Whereas, PFC Workman received the Purple Heart, Vietnam Service Medal, Vietnam Campaign Medal and National Defense Medal; and

Whereas, PFC Workman received a GED and was a member of the Hannah Baptist Church; and

Whereas, It is fitting to honor PFC Workman for his commitment, dedication and service to his country and his state and having made the ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name County Route 5/07, also known as Bulwark Ranch Road, that runs off County Route 5 in Logan County, the “Army PFC James Edward Workman Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the road

as the “Army PFC James Edward Workman Memorial Road”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and the family of James Edward Workman.

Which, under the rules, lies over one day.

Senators Kessler (Mr. President), Unger, Stollings, Yost, D. Hall, Jenkins, Laird, Snyder, McCabe, Prezioso, Green, Plymale, Williams and Fitzsimmons offered the following resolution:

Senate Resolution No. 25—Designating March 6, 2013, as “Women’s Day” at the Legislature.

Whereas, The West Virginia Women’s Commission is celebrating thirty-six years of promoting the status and empowerment of all West Virginia women through advocacy, research, education and consensus building; and

Whereas, The West Virginia Women’s Commission strives to foster women’s economic, political, educational and social development to ensure their full participation in society and to recognize their achievements; and

Whereas, The West Virginia Women’s Commission has continued their history of honoring women across the state through programs such as Celebrating a Legacy of Women in Public Service during Women’s History Month, educating women and legislators during our annual Women’s Day at the Legislature by reinstating a second day of workshops, completing an annual policy statement highlighting legislation of importance to women and families, and by recognizing the annual Women’s Equality Day Celebration commemorating the passage of the 19th amendment; and

Whereas, Through the West Virginia Women's Commission's programs and collaborations with partner organizations, women shall have the opportunity to participate in learning experiences through workshops focused on citizen advocacy; and

Whereas, West Virginia citizens are proud of the accomplishments and achievements of women in our state, both in the private and public sectors, and appreciate their many contributions to our communities as they continue to advance in leadership roles in our society; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 6, 2013, as "Women's Day" at the Legislature; and, be it

Further Resolved, That the Senate expresses its sincere appreciation to women for the many contributions they make to the State of West Virginia in all facets of our society; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials with the West Virginia Women's Commission.

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

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

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

Senators Palumbo, Unger, Kessler (Mr. President), Stollings, Yost, D. Hall, Jenkins, Laird, Snyder, Plymale, Green, Prezioso, McCabe, Williams and Fitzsimmons offered the following resolution:

Senate Resolution No. 26—Designating the month of March as “American Red Cross Month”.

Whereas, Founded in 1881 and chartered by Congress in 1905, the American Red Cross acts in times of need in this country and around the world; and

Whereas, The American Red Cross is one of the most recognized humanitarian organizations and provides compassionate care to those who suffer disasters; and

Whereas, American Red Cross volunteers have provided food, clothing, shelter and mental health support to victims of disasters in recent years; and

Whereas, Nearly 44,000 people in West Virginia were trained in 2011 by the American Red Cross in CPR, first aid, lifeguard techniques, water safety and HIV/AIDS education; and

Whereas, Recruitment of West Virginians by the American Red Cross is continuous in seeking blood donations and blood products for critical medical treatments in our state; and

Whereas, The generosity of contributions of time and money by the American people help the American Red Cross restore vital services to families in times of need; therefore, be it

Resolved by the Senate:

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

Further Resolved, That the Senate hereby recognizes the American Red Cross for its contributions to this state, the United States and the world; and, be it

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

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

Senate Resolution No. 24, Opposing US Supreme Court's interpretation of Constitution in *Citizens United v. Federal Election Commission*.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 101, Clarifying Medical Professional Liability Act applies to nursing homes and their health care providers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Chafin—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 101) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Chafin—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 101) takes effect July 1, 2013.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill No. 139, Regulating certain purchases of precious metals and gems.

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

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

The Senate then proceeded to the thirteenth order of business.

Senator Unger called attention to yesterday, Tuesday, March 5, 2013, being the birthday of the senator from Ohio and on behalf of the Senate extended felicitations and good wishes to Senator Fitzsimmons, with Senator Cole leading the members in singing “Happy Birthday”.

Pending announcement of meetings of standing committees of the Senate, including a majority party caucus,

On motion of Senator Unger, the Senate adjourned until tomorrow, Thursday, March 7, 2013, at 11 a.m.

THURSDAY, MARCH 7, 2013

The Senate met at 11 a.m.

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

Prayer was offered by Minister Donnie Chapman, Dunbar Church of Christ, Dunbar, West Virginia.

Members of the American Mountain Theater in Elkins, West Virginia, proceeded in the singing of “The Star-Spangled Banner”.

Pending the reading of the Journal of Wednesday, March 6, 2013,

On motion of Senator Chafin, the Journal was approved and the further reading thereof dispensed with.

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

At the request of Senator Unger, and by unanimous consent, the provisions of rule number fifty-four of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant Joshua Byers, Publisher/Editor of the *Williamson Daily News*, privileges of the floor for the day.

The Senate proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2585—A Bill to amend and reenact §11-3-15c and §11-3-15d of the Code of West Virginia, 1931, as amended, relating to increasing the time to file a petition in response to notice of an increased assessment of certain real and personal property.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 102, Authorizing PSC promulgate rules establishing capacity improvement fee requirements.

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

Com. Sub. for Senate Bill No. 102 (originating in the Committee on Government Organization)—A Bill to amend and reenact §24-2-2 of the Code of West Virginia, 1931, as amended,

relating generally to the power of the Public Service Commission to regulate public utilities; and authorizing the Public Service Commission to promulgate rules establishing requirements for capacity improvement fees.

And,

Senate Bill No. 106, Relating to Bureau of Senior Services in-home care worker registry.

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

Com. Sub. for Senate Bill No. 106 (originating in the Committee on Government Organization)—A Bill to amend and reenact §16-5P-15 of the Code of West Virginia, 1931, as amended, relating to the in-home care registry maintained by the Bureau of Senior Services; eliminating the requirement of a rule-established fee schedule; and requiring in-home care registry applicants to obtain a criminal background check as determined in legislative rule by the bureau.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

The bills (Com. Sub. for S. B. Nos. 102 and 106), under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 103, Creating WV Commuter Rail Access Act.

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

Com. Sub. for Senate Bill No. 103 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-18A-1, §29-18A-2, §29-18A-3, §29-18A-4 and §29-18A-5, all relating to creating the West Virginia Commuter Rail Access Act; definitions; agreement with other states requirement; verifications; and authorizing a tax credit to a railroad in lieu of payment of track access fees commencing July 1, 2014.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill (Com. Sub. for S. B. No. 103), under the original double committee reference, was then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 107, Relating to selection of state agency administrative hearing examiners.

And,

Senate Bill No. 347, Requiring Public Employees Grievance Board provide training seminars to certain persons.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 127, Requiring PSC annually report on broadband markets.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Government Organization.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 146, Collecting unpaid magistrate court charges through income tax refund withholding.

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

Com. Sub. for Senate Bill No. 146 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §50-3-2c, relating to permitting magistrate courts to collect unpaid costs, fines, fees, forfeitures, restitution and penalties it has imposed on a defendant; permitting those unpaid amounts to be deducted from a defendant's income tax refund; providing a process for deducting and distributing those unpaid amounts; creating the Magistrate Fines and Fees Collection Fund; permitting the Tax Commissioner to charge an administrative fee; and providing rule-making authority.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

The bill (Com. Sub. for S. B. No. 146), under the original double committee reference, was then referred to the Committee on Finance.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 157, Exempting certain nonresidents from Class D license requirement.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration

Senate Bill No. 248, Authorizing DEP promulgate legislative rule relating to water pollution control permit fee schedules.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration

Senate Bill No. 261, Authorizing Commissioner of Agriculture promulgate legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas.

And reports the same back with the recommendation that it do pass; but under the original triple committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

The bill, under the original triple committee reference, was then referred to the Committee on the Judiciary.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 314, Authorizing Board of Social Work promulgate legislative rule relating to qualifications for profession of social work.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Government Organization pending.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 321, Authorizing Board of Veterinary Medicine promulgate legislative rule relating to organization and operation and licensing of veterinarians.

And reports the same back with the recommendation that it do pass; but under the original triple committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

The bill, under the original triple committee reference, was then referred to the Committee on the Judiciary.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 360, Issuing deputy sheriffs ballistic vest upon law-enforcement certification.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on Government Organization pending.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 386, Relating to Personal Safety Act.

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

Com. Sub. for Senate Bill No. 386 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §53-8-4 of the Code of West Virginia, 1931, as amended, relating generally to personal safety orders; clarifying the grounds for issuance of a personal safety order for harassment; and establishing venue for issuance of a personal safety order.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 387, Relating to family court judge supervision of criminal background investigations.

And,

Senate Bill No. 423, Providing certain convicted persons reduction in sentence.

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

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution No. 9, Requesting DOH name bridge in Boone County “Naval Chief Boatswain Fred L. Byrnside and Army Captain Dora Jo Chambers Byrnside Memorial Bridge”.

Senate Concurrent Resolution No. 11, Requesting DOH name portion of State Route 214 “Army Pvt. Parker Meikle Memorial Road”.

And,

Senate Concurrent Resolution No. 12, Requesting DOH name section of Lick Creek Road in Boone County “PFC Randall Bruce Miller Memorial Road”.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Unger, unanimous consent being granted, the resolutions (S. C. R. Nos. 9, 11 and 12) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

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

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

House Concurrent Resolution No. 42, The “Mike Whitt Visionary Leadership Highway”.

And has amended same.

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

Respectfully submitted,

Robert D. Beach,
Chair.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Miller, Williams, Stollings, Kessler (Mr. President) and Beach:

Senate Bill No. 470—A Bill to amend and reenact §60-8-3 of the Code of West Virginia, 1931, as amended, relating to permitting farm wineries to sell samples and wine during the operation of fairs or festivals on Sunday mornings.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senator Stollings:

Senate Bill No. 471—A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to clarifying the definition of “years of employment” for retirement purposes from a county board of education.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senators Kirkendoll, Beach, Blair, Cann, Carmichael, Chafin, Cole, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Laird, McCabe, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Kessler (Mr. President) and Yost:

Senate Bill No. 472—A Bill to amend and reenact §22-11-6 of the Code of West Virginia, 1931, as amended, relating to protecting state waters; legislative findings; and an implementation plan to establish state-specific selenium criteria.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

By Senators Chafin and Beach:

Senate Bill No. 473—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing that the Commissioner of the Division of Highways may issue ten-year vehicle registration plates to recipients of the Bronze Star Medal.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senator Chafin:

Senate Bill No. 474—A Bill to amend and reenact §36-8-2 of the Code of West Virginia, 1931, as amended, relating to clarifying that there must be five years of continuous inactivity of a noninterest-bearing demand, savings or time deposit before it may be presumed to be abandoned for unclaimed property purposes; and clarifying that there must be seven years of continuous inactivity of an interest-bearing demand, savings or time deposit before it may be presumed to be abandoned for unclaimed property purposes.

Referred to the Committee on Banking and Insurance; and then to the Committee on Government Organization.

By Senators Chafin, Barnes, Beach, Carmichael, Cole, Green, D. Hall, Laird, McCabe, Miller, Nohe, Sypolt, Walters, Williams, Stollings, Kessler (Mr. President) and Unger:

Senate Bill No. 475—A Bill to amend and reenact §17-16A-13 of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia Parkways, Economic Development and Tourism Authority to transfer a certain portion of the revenues generated from its operation of the highway formerly known as the West Virginia Turnpike to the county commissions where that highway is located.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Barnes, Blair, Cole, Cookman, Green, Sypolt, Williams, Stollings and D. Hall:

Senate Bill No. 476—A Bill to amend and reenact §20-2-58 of the Code of West Virginia, 1931, as amended, relating to providing an exception to allow a homeowner or tenant to discharge a firearm in a lawful manner within five hundred feet of a dwelling house in which that person lives if no other dwelling house is located within five hundred feet of the person shooting; and raising the distance within which a person can discharge a firearm from a school or church from four hundred feet to five hundred feet.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senator Palumbo:

Senate Bill No. 477—A Bill to repeal §3-2-24 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-5, §3-2-6, §3-2-7, §3-2-10 and §3-2-11 of said code, all relating to electronic registration of voters.

Referred to the Committee on the Judiciary.

By Senators Miller, Laird, Barnes and Williams:

Senate Bill No. 478—A Bill to amend and reenact §29-22A-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22B-332 of said code; and to amend and reenact §29-25-2 and §29-25-24 of said code, all relating to deleting those video lottery games which allow players an option to select replacement symbols or numbers or additional symbols or numbers after the game is initiated and in the course of play from the definition of “video lottery game”; and permitting an employee of an historic resort hotel to wager at the gaming facility of that historic hotel.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Snyder:

Senate Bill No. 479—A Bill to amend and reenact §31D-15-1532 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §31D-15-1533; to amend and reenact §31E-14-1432 of said code; and to amend and reenact §59-1-2 of said code, all relating to providing a procedure for foreign profit and nonprofit corporations to reinstate in the statutory manner provided for limited liability companies.

Referred to the Committee on the Judiciary.

By Senators Blair, Snyder and Unger:

Senate Bill No. 480—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §60-6A-1 and §60-6A-2, all relating to requiring that bartenders be licensed by the Alcohol Beverage Control Commissioner.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Palumbo, Unger, Jenkins and Tucker:

Senate Bill No. 481—A Bill to amend and reenact §27-4-1 of the Code of West Virginia, 1931, as amended, relating to juvenile

mental health, intellectual disability and addiction; permitting acceptance of a notarized application in lieu of in-person application for certain voluntary hospitalization; allowing use of article five, chapter twenty-seven of said code for juveniles in certain situations; requiring parents or guardians to transport minors for voluntary hospitalization; creating exceptions to that requirement by affidavit to circuit court, mental hygiene commissioner or magistrate court; requiring transfer by county sheriff upon order of circuit court, mental hygiene commissioner or magistrate court; providing for payment of voluntary hospitalization for juveniles in certain circumstances; and requiring mental health facilities to make their application immediately accessible in certain situations.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Palumbo:

Senate Bill No. 482—A Bill to amend and reenact §3-2-30 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §59-1-2b, all relating to the preparation and sale of voter registration lists; exempting certain voter data from being provided; permitting voter lists be obtained for noncommercial purposes at a cost of the actual costs of producing the list; setting forth the fees to be charged for the sale of voter registration lists; setting forth the types of lists and services that are available; requiring the net proceeds from the voter registration list sales be deposited in the State Election Fund; and clarifying that the Secretary of State may share voter information with those authorized to receive the information.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Plymale, Stollings, Unger, Beach and Tucker:

Senate Bill No. 483—A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to taking back

the surcharge on fire and casualty insurance policies to one percent and have this surcharge benefit volunteer and part-volunteer fire departments.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

Senators Barnes, Cookman, Tucker, Stollings, Unger and Plymale offered the following resolution:

Senate Concurrent Resolution No. 17—Requesting the Division of Highways to name bridge number 42-5/5-0.04 on Route 5/5 in Randolph County the “Army Captain Bernard Francis Jones Memorial Bridge”.

Whereas, Captain Jones was born in Coalton and graduated from Coalton High School in 1958; and

Whereas, Captain Jones enlisted in the United States Army in the autumn of 1958 and served until 1961; and

Whereas, Upon his return home Captain Jones attended Davis & Elkins College; and

Whereas, Captain Jones reenlisted in the United States Army, attended Officer Candidate School and received an officer’s commission; and

Whereas, Captain Jones served with Advisory Team 91 in Vietnam from 1965 until his death in 1967; and

Whereas, Captain Jones was awarded the Bronze Star, Air Medal, Army Commendation Medal, Good Conduct Medal, Purple Heart, National Defense Service Medal, Vietnam Service Medal, Combat Infantry Medal, Republic of Vietnam Campaign Medal, Parachutist Badge and Expert Rifle Badge; and

Whereas, It is fitting to honor Captain Jones for his commitment, dedication and service to his country and his state and having made the ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 42-5/5-0.04 on Route 5/5 in Randolph County the “Army Captain Bernard Francis Jones Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Army Captain Bernard Francis Jones 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 Secretary of the Department of Transportation and the family of Captain Bernard Francis Jones.

Which, under the rules, lies over one day.

Senators Cann, Facemire, Stollings, Kessler (Mr. President), Unger, D. Hall and Plymale offered the following resolution:

Senate Resolution No. 27—Recognizing the Southern Area Public Library, recipient of the Bill and Melinda Gates Foundation’s 2013 Best Small Library in America.

Whereas, The Southern Area Public Library, located in Lost Creek, West Virginia, is under the direction of Mary Beth Stenger; and

Whereas, Of the 175 public libraries in West Virginia, the Southern Area Public Library is the smallest with a service population of 498; and

Whereas, Since 1984, the Southern Area Public Library has been located in a former bank building facing Main Street, and has seen technology updates, new books and movies, renovations and a flow of nearly eight thousand people through its doors; and

Whereas, The Southern Area Public Library holds 10,706 books and videos, houses eight computers, serves as a meeting place for a book club, knitting group and children's art classes and offers programs that the entire community can participate in, all of which make it a central gathering place for the citizens of Lost Creek; and

Whereas, Because of its activity, energy, growth and community engagement, the Southern Area Public Library was chosen as the 2013 Best Small Library in America by the Bill and Melinda Gates Foundation, and was awarded a prize of \$20,000; and

Whereas, With the recognition afforded to it by the Bill and Melinda Gates Foundation, the Southern Area Public Library, which has already been transformed from a good, traditional public library into a modern, bustling center of community activity, information and learning, will now be able to further its progression and its community initiatives; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Southern Area Public Library, recipient of the Bill and Melinda Gates Foundation's 2013 Best Small Library in America; and, be it

Further Resolved, That the Senate acknowledges the dedication and commitment of Mary Beth Stenger in making the Southern Area Public Library the heart of Lost Creek and something that all West Virginians should be proud of; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Mary Beth Stenger, Director of the Southern Area Public Library.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

Senate Concurrent Resolution No. 16, Requesting DOH name County Route 5/07 in Logan County “Army PFC James Edward Workman Memorial Road”.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 139, Regulating certain purchases of precious metals and gems.

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

On motion of Senator Unger, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

Engrossed Committee Substitute for Senate Bill No. 139 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 139) passed with its title.

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

Com. Sub. for Senate Bill No. 435, Continuing Municipal Home Rule Pilot Program.

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

On motions of Senators Jenkins and Plymale, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page four, section five-a, line thirty-nine, by changing the period to a colon and inserting the following proviso: *Provided*, That the four municipalities participating in the pilot program on July 1, 2012, are hereby authorized to continue in the pilot program

and may amend current written plans and/or submit new written plans in accordance with the provisions of this section: *Provided, however,* That if any of the four municipalities participating in the pilot program on July 1, 2012, do not want to participate in the pilot program, then the municipality must submit a written letter to the board indicating the municipality's desire not to participate.;

And,

On page six, section five-a, line eighty-two, after the word "participate" by inserting the words "or continue to participate".

On motions of Senators Snyder and Miller, the following amendments to the bill (Com. Sub. for S. B. No. 435) were next reported by the Clerk, considered simultaneously, and adopted:

On page four, section five-a, line thirty-six, by striking out the word "ten" and inserting in lieu thereof the word "fourteen";

On page five, section five-a, line sixty-six, after the word "ten" by inserting the word "new";

And,

On page eight, section five-a, line one hundred fifteen, after the word "ten" by inserting the word "new".

The bill (Com. Sub. for S. B. No. 435), as amended, was then ordered to engrossment and third reading.

On motion of Senator Unger, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins,

Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

Engrossed Committee Substitute for Senate Bill No. 435 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 435) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 435) takes effect July 1, 2013.

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

The Senate proceeded to the tenth order of business.

Senate Bill No. 125, Permitting Monongalia County Commission to levy special district excise tax.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Barnes.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Friday, March 8, 2013, at 11 a.m.

FRIDAY, MARCH 8, 2013

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Tom Bias, Van United Methodist Church, Van, West Virginia.

Mountaineer ChalleNGe Academy Cadets from Kingwood, West Virginia, proceeded in the posting of the Colors. The Honorable John R. Unger II, a senator from the sixteenth district, then led the Senate in the recitation of the Pledge of Allegiance.

Pending the reading of the Journal of Thursday, March 7, 2013,

On motion of Senator Edgell, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the fourth order of business.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 21, Creating Health Care Provider Transparency Act.

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

Com. Sub. for Senate Bill No. 21 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-1C-1, §16-1C-2, §16-1C-3, §16-1C-4, §16-1C-5, §16-1C-6 and §16-1C-7, all relating generally to requiring health care providers to wear identification badges; setting forth legislative findings and purpose; providing definitions; establishing identification badge requirement; setting forth exemptions; addressing enforcement; providing for applicability; and granting rule-making authority.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Ron Stollings,
Chair.

The bill (Com. Sub. for S. B. No. 21), under the original double committee reference, was then referred to the Committee on Government Organization.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 200, Relating to Eyewitness Identification Act.

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

Com. Sub. for Senate Bill No. 200 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-1E-1, §62-1E-2 and §62-1E-3 of the Code of West Virginia, 1931, as amended, all relating to eyewitness identification, lineups and showups; defining terms and updating definitions; establishing certain recommended procedures before a lineup or showup; setting forth additional instructions to be given prior to a lineup or showup; expanding eyewitness identification procedures; recommending all lineups to be conducted in a sequential and blind manner; expressing a legislative preference for lineups over showups; prohibiting photographic showups; eliminating a task force that is no longer active; and requiring each law-enforcement agency performing lineups or showups to create specific procedures for conducting lineups and showups.

And,

Senate Bill No. 372, Creating criminal offense for interfering with emergency service call.

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

Com. Sub. for Senate Bill No. 372 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to creating a criminal offense for interfering with or preventing a person from calling for assistance of emergency service personnel; and establishing penalties.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 201, Permitting expedited partner therapy.

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

Com. Sub. for Senate Bill No. 201 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a

new article, designated §16-4F-1, §16-4F-2, §16-4F-3, §16-4F-4 and §16-4F-5; to amend and reenact §30-3-14 and §30-3-16 of said code; to amend and reenact §30-5-3 of said code; to amend and reenact §30-7-15a of said code; to amend and reenact §30-14-11 of said code; and to amend and reenact §30-14A-1 of said code, all relating to treatment for a sexually transmitted disease; defining terms; permitting prescribing of antibiotics to sexual partners of a patient without a prior examination of the partner; requiring patient counseling; establishing counseling criteria; requiring information materials be prepared by the Department of Health and Human Resources; providing limited liability for providing expedited partnership therapy; requiring legislative rules regarding what is considered a sexually transmitted disease; and providing that physicians, physician assistants, pharmacists and advanced nurse practitioners are not subject to disciplinary action for providing treatment in an expedited partnership setting.

And,

Senate Bill No. 428, Relating to costs for HIV or STD testing by Bureau for Public Health.

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

Com. Sub. for Senate Bill No. 428 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-3C-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-4-19 of said code, all relating generally to testing for HIV and sexually transmitted diseases; removing limitations on billing patients for HIV and sexually transmitted disease testing done by state or local public health agencies; and clarifying the provisions relating to performing HIV or STD tests on persons accused of a sexual offense.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

The bills (Com. Sub. for S. B. Nos. 201 and 428), under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 306, Authorizing Board of Examiners for Registered Professional Nurses promulgate legislative rule relating to announcement of advanced practice.

Senate Bill No. 307, Authorizing Board of Examiners for Registered Professional Nurses promulgate legislative rule relating to limited prescriptive authority for nurses in advanced practice.

Senate Bill No. 407, Requiring cellular and phone companies provide certain information to Bureau for Child Support Enforcement.

And,

Senate Bill No. 429, Redefining “facility” under Medication Administration by Unlicensed Personnel Act.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 371, Relating to prison overcrowding.

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

Com. Sub. for Senate Bill No. 371 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §25-1-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §28-5-27 of said code; to amend said code by adding thereto two new sections, designated §31-20-5g and §31-20-5h; to amend and reenact §61-7-6 of said code; to amend and reenact §62-11A-1a of said code; to amend and reenact §62-11B-9 of said code; to amend and reenact §62-11C-2, §62-11C-3 and §62-11C-6 of said code; to amend said code by adding thereto a new section, designated §62-11C-10; to amend and reenact §62-12-6, §62-12-7, §62-12-9, §62-12-10, §62-12-13, §62-12-14a, §62-12-15, §62-12-17 and §62-12-19 of said code; to amend said code by adding thereto a new section, designated §62-12-29; to amend and reenact §62-15-2 of said code; and to amend said code by adding thereto two new sections, designated §62-15-6a and §62-15-6b, all relating to public safety; requiring the Division of Corrections to perform graduated methods of mental health screens, appraisals and evaluations on persons committed to its custody; mandating one year of supervised release for violent inmates; mandating one hundred

eighty days of supervised release for nonviolent inmates; requiring the Commissioner of Corrections to adopt policies regarding mandatory supervised release; requiring the West Virginia Regional Jail Authority and Correctional Facility to utilize a standardized pretrial risk-screening instrument adopted by the Supreme Court of Appeals of West Virginia; requiring the authority to develop and implement cognitive behavioral programming for inmates in regional jails committed to the custody of the Commissioner of Corrections; exempting parole officers from prohibitions against carrying concealed weapons; moving definition of “day report center” to section relating to conditions of release on probation; providing standards and limitations under which judges and magistrates may impose a period of supervision or participation in day report program; clarifying language regarding confinement and revocation for violations of the conditions of home incarceration; adding representative of the Bureau for Behavioral Health and Health Facilities to the community corrections subcommittee of the Governor’s Committee on Crime, Delinquency and Correction; providing that the community corrections subcommittee review, assess and report on the implementation of evidence-based practices in the criminal justice system; adding member with a background in substance abuse treatment and services to the community criminal justice boards of each county or combination of counties; providing oversight responsibility to Division of Justice and Community Services to implement standardized risk and needs assessment, evaluate effectiveness of other modifications to community corrections programs and provide annual report; requiring probation officers to conduct a standardized risk and needs assessment for individuals placed on probation and to supervise probationer and enforce probation according to the same; requiring probation officers to perform random drug tests of persons under supervision; authorizing the Supreme Court of Appeals of West Virginia to adopt a standardized risk and needs assessment for use by probation officers; authorizing the Supreme Court of Appeals of West Virginia to adopt a standardized pretrial screening instrument for use by the Regional Jail Authority; providing standards and limitations under which judges may impose a term of reporting to

a day report center or other community corrections program as a condition of probation; authorizing day report center programs to provide services based on the results of a person's standardized risk and needs assessment; providing for graduated sanctions in response to violations of the conditions of release on probation other than absconding or committing new criminal conduct; creating exceptions to new criminal conduct provisions; requiring copies of graduated sanctions confinement orders be supplied to the Commissioner of Corrections; providing that graduated sanctions confinement be paid by the Division of Corrections; revising eligibility requirements for accelerated parole program; requiring that Division of Corrections' policies and procedures for developing a rehabilitation treatment plan include the use of substance abuse assessment tools and prioritize treatment resources based on the risk and needs assessment and substance abuse assessment results; providing for rebuttable presumption that parole is appropriate for inmates completing the accelerated parole program and a rehabilitation treatment program; providing standards and limitations for Parole Board; outlining duties of the Division of Corrections to supervise, treat and provide support services for persons released on mandatory supervised release; removing temporal standard for requirement that the Parole Board have access to a copy of an inmate's physical, mental or psychiatric examination; authorizing Division of Corrections employ directors of housing and employment for released inmates with duties relating to the reduction of parole release delays and finding employment; requiring parole officers to update the standardized risk and needs assessment for each person for whom an assessment has not been conducted for parole and to supervise each person according to the assessment and the commissioner's supervision standards; authorizing the Commissioner of Corrections to issue a certificate authorizing a parole officer to carry firearms or concealed weapons; providing standards and limitations under which the Division of Corrections may order substance abuse treatment or impose a term of reporting to a day report center or other community corrections program as a condition or modification of parole; authorizing the Commissioner of Corrections to enter into a master agreement

with the Division of Justice and Community Services to reimburse counties for use of the community corrections programs; clarifying that parolee participation in community corrections is at program director's discretion; providing for graduated sanctions in response to violations of the conditions of release on parole other than absconding or certain new criminal conduct; providing a parolee with the right to a hearing, upon request, regarding whether he or she violated the conditions of his or her release on parole; providing that graduated sanctions incarceration for parolees be paid for by Division of Corrections; providing for a Community Supervision Committee to be appointed by the Administrative Director of the Supreme Court of Appeals of West Virginia to coordinate the sharing of information for community supervision and requiring submittal of an annual report; revising definitions; providing standards and limitations under which judges may order treatment supervision for drug offenders; requiring the Division of Justice and Community Services to use appropriated funds to implement substance abuse treatment to serve those under treatment supervision in each judicial circuit; providing that the Division of Justice and Community Services is responsible for developing standards relating to quality and delivery of substance abuse services, requiring certain education and training, paying for drug abuse assessments and certified drug treatment from appropriated funds and requiring submittal of an annual report; outlining duties of treatment supervision service providers; providing for state payment of drug court participants' incarceration under certain circumstances; defining terms; and making technical changes.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

The bill (Com. Sub. for S. B. No. 371), under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Green, D. Hall, McCabe, Williams and Stollings:

Senate Bill No. 484—A Bill to amend and reenact §55-7-16 of the Code of West Virginia, 1931, as amended, relating to immunity from liability for ski patrol rendering emergency care or assistance, without compensation, at any location.

Referred to the Committee on the Judiciary.

By Senators Laird, Green, Wells, D. Hall, Unger, Miller and Tucker:

Senate Bill No. 485—A Bill to amend and reenact §20-7-1a and §20-7-1c of the Code of West Virginia, 1931, as amended, all relating to providing an increase in compensation for natural resources police officers.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

By Senators Kessler (Mr. President), Snyder, Palumbo, Wells, Beach, McCabe, Edgell, Fitzsimmons and Cookman:

Senate Bill No. 486—A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9 and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of said code, all relating to unlawful discriminatory practices; prohibiting discrimination based upon age or sexual orientation; and defining “sexual orientation”.

Referred to the Committee on the Judiciary.

By Senators Prezioso, Cann, Beach, M. Hall, D. Hall, Boley and Carmichael:

Senate Bill No. 487—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2M-1, §16-2M-2, §16-2M-3, §16-2M-4, §16-2M-5, §16-2M-6, §16-2M-7, §16-2M-8, §16-2M-9, §16-2M-10 and §16-2M-11, all relating to creating the West Virginia Pain-Capable Unborn Child Protection Act; asserting a compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain; short title; legislative findings; definitions; determination of post-fertilization age; prohibiting abortion of unborn child of twenty or more weeks post-fertilization age; requiring reports from physicians who perform or attempt to perform abortions; criminal penalties; civil remedies; protection of privacy in court proceedings; creating a litigation defense fund; and stating how article is to be construed.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Stollings, Kirkendoll, Green, D. Hall, Kessler (Mr. President), Unger and Williams:

Senate Bill No. 488—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-3F-1, §61-3F-2, §61-3F-3, §61-3F-4 and §61-3F-5, all relating to property crimes committed against coal mines and other industrial facilities; making legislative findings; defining terms; providing for additional criminal penalties for trespass at a coal mine or industrial facility; providing for criminal penalties and restitution for the removal, destruction, injury or defacement of real or personal property belonging to a coal mine or industrial facility; and providing that prosecution for other crimes is not precluded.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

By Senators Facemire, Cann, Chafin, Edgell, Kirkendoll, Snyder and Stollings:

Senate Bill No. 489—A Bill to amend and reenact §16-13E-6 of the Code of West Virginia, 1931, as amended, relating to permitting community enhancement districts to decrease the amounts of annual property assessments; providing a process that a community enhancement board is to use to certify the decrease to the county sheriff; requiring that any decrease be included in the tax ticket or a modified tax ticket; and specifying that the process may not be used for increases in the annual assessments.

Referred to the Committee on Government Organization.

By Senators Unger and Snyder:

Senate Bill No. 490—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-34-1, §19-34-2, §19-34-3, §19-34-4, §19-34-5 and §19-34-6, all relating to the regulation of equine boarding facilities.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senators M. Hall, Beach, Carmichael, Kessler (Mr. President), McCabe and Walters:

Senate Bill No. 491—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6D-16, relating to daily passenger rental car business; and allowing rental vehicle contracts to include a vehicle licensing cost recovery fee.

Referred to the Committee on Transportation and Infrastructure.

By Senators Tucker, Barnes, Chafin, Cookman, Edgell, Facemire, Kirkendoll, McCabe, Stollings, Williams and Kessler (Mr. President):

Senate Bill No. 492—A Bill to repeal §29-25-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-25-

1, §29-25-2, §29-25-3, §29-25-5, §29-25-6, §29-25-9, §29-25-12, §29-25-15, §29-25-18, §29-25-19, §29-25-20, §29-25-21, §29-25-22, §29-25-22a, §29-25-24, §29-25-28, §29-25-29, §29-25-30, §29-25-31, §29-25-32, §29-25-34, §29-25-35, §29-25-37 and §29-25-38 of said code; and to amend said code by adding thereto two new sections, designated §29-25-22b and §29-25-22c, all relating to miscellaneous boards and officers; authorized gaming facility; including a rural resort community as limited gaming facility; providing definition of “rural resort community”; creating the Rural Resort Community Fund and Rural Resort Community Human Resource Benefit Fund; otherwise providing for the regulation and control of a rural resort community; and repealing the local option provision of this article.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 17, Requesting DOH name bridge in Randolph County “Army Captain Bernard Francis Jones Memorial Bridge”.

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

House Concurrent Resolution No. 42, The “Mike Whitt Visionary Leadership Highway”.

On unfinished business, coming up in regular order, was reported by the Clerk.

On motion of Senator Chafin, consideration of the resolution was made a special order of business under unfinished business for Friday, March 22, 2013.

The Senate proceeded to the ninth order of business.

Senate Bill No. 125, Permitting Monongalia County Commission to levy special district excise tax.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill No. 386, Relating to personal safety orders.

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

Senate Bill No. 387, Relating to family court judge supervision of criminal background investigations.

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

Senate Bill No. 423, Providing certain convicted persons reduction in sentence.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Chafin.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Unger, the Senate adjourned until Monday, March 11, 2013, at 11 a.m.

MONDAY, MARCH 11, 2013

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Christopher Turner, St. Agnes Catholic Church, Charleston, West Virginia.

Pending the reading of the Journal of Friday, March 8, 2013,

On motion of Senator Facemire, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 3, Requesting DOH name bridge in Boone County “Army Sergeant Junior Elwood Dunlap Memorial Bridge”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 4, Requesting DOH name bridge in Boone County “James ‘Eddie’ Mooney Memorial Bridge”.

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

Com. Sub. for Senate Concurrent Resolution No. 5, Requesting DOH name bridge in Wetzel County “Army Sgt. Norman R. Cunningham Memorial Bridge”.

On motion of Senator Unger, the message on the resolution was taken up for immediate consideration.

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

On page two, in the thirteenth Whereas clause, by striking out “2013” and inserting in lieu thereof “2012”.

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

The question being on the adoption of the resolution (Com. Sub. for S. C. R. No. 5), as amended by the House of Delegates, the same was put and prevailed.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 6, Requesting DOH name bridge in Wayne County “Wayne County Veterans Memorial Bridge”.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2351—A Bill to amend and reenact §17C-19-3 of the Code of West Virginia, 1931, as amended, relating to requiring an arresting law enforcement officer to

promptly present before a magistrate or court an individual charged with driving with a suspended or revoked license, and providing the option to issue a citation if a magistrate or court is not on duty or reasonably available.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2450—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-2-12, relating to county assessors; granting licensed real estate appraiser limited access to assessor review documents to determine comparable market value; and authorizing a fee.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2579—A Bill to amend and reenact §22-11-6 of the Code of West Virginia, 1931, as amended, relating to protecting state waters; providing legislative findings; revising implementation plan to establish state specific selenium criteria; and directing study to develop state-specific selenium criteria.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2764—A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to compulsory school attendance; and extending the authority and duties of attendance directors to assistant attendance directors.

Referred to the Committee on Education.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 5—Requesting the Division of Highways to rename the Middleburg Bridge over the Guyandotte River, near the Middleburg settlement, Logan County, bridge number 23-10/73-0.01, the “USMC First Class Lieutenant Edward I. Eiland Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 9—Requesting that bridge number 42-46-1.54 on County Route 46 between Czar and Helvetia, Randolph County, West Virginia, be named the “Army Specialist 4th Class Garry Lee Burgess Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 15—Requesting the Division of Highways to name the bridge on Route

119, in Chapmanville, Logan County, at Garrett Fork, bridge number 23-7-0.33, as the “Navy Chief Boatswain’s Mate Curtis Emmet Lowe Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 24—Requesting the Division of Highways to name the bridge on County Route 23, in Pax, Fayette County, towards the Lively area, bridge number 10-23-6.25, as the “Rex Lane Mullins Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 26—Requesting the Division of Highways to name the section of Route 3 and Route 214 where they come together to create a triangular area in Yawkey in Lincoln County, the “Army Corporal Richard D. McGhee Memorial Triangle”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 31—Requesting the Division of Highways to name a portion of Pine Swamp Road between the intersection of U.S. 220 and the intersection of Stoney Run Road in Mineral County the “WWII 78th Lightning Division Road”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 33—Requesting the Division of Highways to name the access road to the Armed Forces Readiness Center located in Fairmont, Marion County, West Virginia, currently known as a spur of Lafayette Street, “201st Artillery Drive”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 39—Requesting the Division of Highways to name the bridge located at Barrackville, West Virginia, locally called the “Maple Point Bridge”, which travels over Buffalo Creek, specifically bridge number 25A183 the “PFC Harry Sine, Jr. Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 54—Requesting the Division of Highways to name the bridge located at Chapmanville, Logan County, West Virginia, specifically bridge number 23-3.015 the “Army Sergeant First Class Thomas Clyde Farley Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Jenkins, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill No. 406, Relating to Deputy Sheriff Retirement System Act.

Senate Bill No. 418, Relating to Emergency Medical Services Retirement System Act.

Senate Bill No. 419, Relating to Teachers Retirement System.

Senate Bill No. 430, Defining “employment term” in Teachers’ Defined Contribution Retirement System.

Senate Bill No. 431, Relating to public employer liability for delinquent retirement contributions.

And,

Senate Bill No. 469, Clarifying service credit for certain PERS members.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Evan H. Jenkins,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Finance.

Senator Jenkins, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill No. 432, Relating generally to State Treasurer's Office.

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

Com. Sub. for Senate Bill No. 432 (originating in the Committee on Pensions)—A Bill to repeal §12-1-12c of the Code of West Virginia, 1931, as amended; to repeal §12-6B-1, §12-6B-2, §12-6B-3 and §12-6B-4 of said code; to repeal §48-2-604 of said code; to amend and reenact §5-10B-3 and §5-10B-13 of said code; to amend said code by adding thereto a new section, designated §5-10B-14; to amend and reenact §12-1-3, §12-1-8, §12-1-11 and §12-1-12b of said code; to amend and reenact §12-2-2 and §12-2-3 of said code; to amend and reenact §12-3-1 of said code; to amend and reenact §12-3A-3 of said code; to amend and reenact §12-5-4 of said code; to amend and reenact §12-6A-1, §12-6A-2, §12-6A-3, §12-6A-4, §12-6A-5, §12-6A-6 and §12-6A-7 of said code; to amend and reenact §12-6C-7 and §12-6C-9 of said code; to amend and reenact §33-3-14d of said code; and to amend and reenact §36-8-13 of said code, all relating to the State Treasurer's Office; authorizing certain organizations exempt from taxation within West Virginia to participate in the deferred compensation plan in accordance with the Internal Revenue Code; authorizing qualified domestic relations orders and Roth accounts within the deferred compensation plan in accordance with the Internal Revenue Code; authorizing financial institutions to offer products in addition to certificates of deposit; updating references to investing authorities to include the Board of Treasury Investments; raising the amount of eligible deposits from \$100,000 to the amount insured by a federal agency; deleting archaic language pertaining to eligible depositories; amending language pertaining to what constitutes a conflict of

interest for applicants and employees of the Treasurer's Office in connection with financial institutions by prohibiting those persons with a defined conflict from participating in the selection of or in contract negotiations with a depository; authorizing depositories to submit reports in an electronic format; clarifying that payments under the CMIA are interest payments; changing the CMIA report from a quarterly report to an annual report since the calculation is only prepared annually; changing the requirement that deposits are required within twenty-four hours to one business day; establishing standards for receipting of moneys, including reviewing of internal controls by auditors and the Treasurer and ensuring copies of audits are submitted to the Legislative Auditor; ensuring confidential information in internal control procedures is redacted before release; clarifying the definitions of federal, special and general revenue funds; eliminating reference to the chief inspector of public offices; changing the report to the Legislative Auditor for accounts outside the Treasury from quarterly to an annual report; clarifying that investments are managed by the Board of Treasury Investments in addition to the Investment Management Board; conforming language pertaining to determining the amount of federal funds in state state checks to the capabilities of the Enterprise Resource Planning System; clarifying that the Treasurer determines the competitive bidding of banking, investment and related goods and services required for Treasury operations; authorizing the Treasurer to develop procedures for storing, retaining and disposing of records for his or her office; ensuring the Director of the Division of Archives and History receives records with historical value; clarifying that the Treasurer is responsible for earnings received on securities, not just interest; consolidating the Debt Capacity Division into the Debt Management Division; amending legislative findings to acknowledge the importance of monitoring the debt of the state and its spending units; continuing Division of Debt Management as the central information source for debt issued by the state and its spending units; expanding the definition of "debt" to include debentures, lease purchases, mortgages, securitizations and other types of obligations with specific amounts owed and

payable on demand or on determinable dates; defining “debt impact report”, “moral obligation bond”, “net tax supported debt” and “tax supported debt”; amending definition of “spending unit”; eliminating requirement for developing a long-term debt plan; clarifying the division is responsible for continuously evaluating debt and debt service requirements and reviewing all proposed debt offerings of the state and its spending units; clarifying the division is to issue a debt impact report if requested by the Governor, Senate President or Speaker of the House of Delegates and that the report shall not restrict the Governor, Legislature or spending unit; requiring the division to monitor continuing disclosure requirements and post-issuance compliance issues; eliminating requirement that the Debt Management Division provide staff for the Debt Capacity Division; clarifying the reporting requirements of the division and the spending units; requiring the division to prepare and issue the debt capacity report; clarifying the Treasurer promulgates the rules; reducing the blanket bond amount required for the Board of Treasury Investments from \$50 million to at least \$10 million, as set by the board; updating language pertaining to rating agencies to nationally recognized statistical rating organizations; permitting investment in corporate debt in investment-grade securities and in money market and other fixed-income funds; authorizing the board to make loans specified by the Legislature and to offer an equipment and software financing program for state government entities; removing requirement that direct or guaranteed obligations of the United States constitute at least fifteen percent of the consolidated fund; providing that securities falling out of compliance with the code do not have to be sold if the investment manager and investment consultant recommend retention; satisfying amounts due to and from policemen’s and firemen’s pension and relief funds and the Teachers Retirement System; authorizing expenses related to operations and programs of the Office of the Treasurer from the Unclaimed Property Fund; authorizing transfer of moneys from the Unclaimed Property Trust Fund for payment to policemen’s and firemen’s pension and relief funds; and making various technical clean-up revisions.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Evan H. Jenkins,
Chair.

The bill (Com. Sub. for S. B. No. 432), under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Plymale and Stollings:

Senate Bill No. 493—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-13-1, §17A-13-2, §17A-13-3, §17A-13-4 and §17A-13-5, all relating generally to standards for conversion and retrofits of alternative-fuel motor vehicles; defining key terms for such standards; setting forth conversion and retrofit standards for the conversion of diesel and gasoline vehicles to alternative fuels; and setting forth training requirements for facilities converting and retrofitting vehicles to be capable of running on compressed natural gas.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senators Laird, Cookman, Miller, Snyder, Stollings, Wells, Yost, Plymale and Fitzsimmons:

Senate Bill No. 494—A Bill to amend the Code of West Virginia,

1931, as amended, by adding thereto a new article, designated §25-8-1, relating to authorizing the Division of Corrections to implement a responsible parent program pilot project; setting forth requirements to participate in the program; setting forth program goals; and requiring a report.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Williams and Sypolt:

Senate Bill No. 495—A Bill to amend and reenact §5B-2G-6 of the Code of West Virginia, 1931, as amended, relating to providing public notice, comment and a hearing prior to real property acquisitions by the West Virginia Outdoor Heritage Conservation Fund Board.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

By Senators Facemire, Laird, Blair and Plymale:

Senate Bill No. 496—A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

Senators Chafin, Yost, Green and Stollings offered the following resolution:

Senate Concurrent Resolution No. 18—Requesting the Division of Highways to name a stretch of highway in Wyoming County, West Virginia, on State Route 20, just across the Wyoming County line approximately one mile to just past Ikes Fork Freewill Baptist Church, the “David and Janet Lee Memorial Highway”.

Whereas, David E. Lee, Sr., was born in Ikes Fork, West Virginia, May 16, 1927, the youngest son of John and Millie Lee. He served in the United States Air Force and was a proud veteran

of World War II and the Korean War. He married his beloved wife Janet December 9, 1949, and they shared fifty-three wonderful years together until her death in 2004. After his military service, David utilized the GI Bill and graduated from Marshall College in 1959. After working for the IRS in Chicago, Illinois, David and Janet moved back to West Virginia in 1963 where they remained until their deaths. David began a thirty-year teaching career in 1963 at Coal Mountain School, Huff Consolidated and Baileysville High School where he touched the lives of the many students he taught and coached. He served two terms on the Wyoming County Board of Education after his retirement, continuing to be an advocate for the students and public education. Affectionately known as “Poppy”, David cherished his four sons, David Jr., Dale, Dean and Dante, and his grandchildren, JL, Tiffany, Chelsea, Aaron, Danielle, Jessica, Brittany, Drew and Kendra and his great grandchildren, John David, Katie, Isabella and Colton. David was active in his church and community and was always willing to help his neighbors. Janet Rife Lee was born September 13, 1933, the daughter of John and Cara Rife. She owned a restaurant and flower shop until she became a cook in the Wyoming County school system and at the Wyoming County Jail. Known for her great cooking, she served the students with a smile and a special touch of believing in them. She devoted her life to David and her boys as well as her grandchildren. She was active in her church and community and was a compassionate shoulder for those in need. They say “behind every great man is an even greater woman pushing him”. That was never more true than for David and Janet. She was truly the strong force that kept the family together. David passed away on April 16, 2012; and

Whereas, It is fitting to honor David and Janet Lee by naming a stretch of highway in Wyoming County, West Virginia, on State Route 20, just across the Wyoming County line approximately one mile to just past Ikes Fork Freewill Baptist Church, for David and Janet Lee; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name a stretch of highway in Wyoming County, West Virginia, on State Route 20, just across the Wyoming County line approximately one mile to just past Ikes Fork Freewill Baptist Church, the “David and Janet Lee Memorial Highway”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the stretch of highway as the “David and Janet Lee Memorial Highway”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to the surviving widow, children and relatives of David and Janet Lee.

Which, under the rules, lies over one day.

Senators Kessler (Mr. President), Unger, Yost, Miller, Laird, Plymale, McCabe, Wells, Fitzsimmons, Jenkins, Green, Williams and Stollings offered the following resolution:

Senate Resolution No. 28—Designating March 11, 2013, as “Innovation and Entrepreneurship Day at the Capitol”.

Whereas, Research and innovation continue to be bed rocks of this nation’s economic strength and vitality; and

Whereas, Facilitating innovation-based economic development and the growth of entrepreneurial companies are critical to our state’s future and prosperity; and

Whereas, Seventy percent of U. S. growth in the last fifty years has been due to technology and innovation, and new-economy jobs now make up more than one third of total jobs; and

Whereas, Entrepreneurs and small businesses create the vast majority of the new jobs in the United States; and

Whereas, Research and development activities being done in federally funded, university and private laboratories in our state are important for new discoveries, scientific and engineering solutions and potential commercialization opportunities; and

Whereas, Recent studies point to the need for states to nurture research and development activities, develop innovation assets and grow businesses to diversify their economies; and

Whereas, A technology-based economic development study by the Battelle Technology Partnership Practice highlighted four key innovation clusters where West Virginia should focus its innovation efforts; and

Whereas, These four key innovation clusters are advanced energy, chemicals/advanced materials, biometrics and identity management and biotechnology; and

Whereas, More than eighty organizations, agencies and companies are working together to help advance the state's innovation and entrepreneurship potential and capacity; and

Whereas, West Virginia has developed an integrated ecosystem of organizations, agencies and financial firms working collaboratively to spur innovation enterprises and jobs; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 11, 2013, as "Innovation and Entrepreneurship Day at the Capitol"; and, be it

Further Resolved, That the Senate recognizes the value and importance of the state's innovation industry and is interested in realizing the long-term economic opportunities that an innovation-based economy can provide our state's citizens; and, be it

Further Resolved, That the Senate expresses its strong support for continued research and development advancements and applauds the collaborative efforts that are demonstrated by the organizations, agencies and companies that are supporting “Innovation and Entrepreneurship Day at the Capitol”; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of “Innovation and Entrepreneurship Day at the Capitol”.

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

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

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

Senators Unger, Snyder, Kessler (Mr. President), Miller, Laird, Plymale, McCabe, Green, Williams and Stollings offered the following resolution:

Senate Resolution No. 29—Recognizing Leadership Jefferson for its service, dedication and commitment to Jefferson County.

Whereas, The objective of Leadership Jefferson is to promote knowledge and awareness of the problems, opportunities and issues facing Jefferson County; and

Whereas, Leadership Jefferson is designed to provide a series of educational and participatory experiences, as well as an opportunity for dialogue and the development of a correlation among participants in order to encourage local participation in the growth of Jefferson County; and

Whereas, The membership of Leadership Jefferson includes individuals from nearly every facet of Jefferson County's business, professional, religious, governmental, educational, civic, the arts, organized labor and minority organizations who demonstrate a commitment to the community; and

Whereas, The 2013 membership of Leadership Jefferson consists of Michael Anderson, City of Ranson; Kerry Asam, Bavarian Inn; Linda Blanc, WVUH-East Jefferson Memorial Hospital; Cathy Boyer, Customs Border Protection; Reese Clabaugh, Reese's Landscape Nursery; Autumn Cook, Harpers Ferry NHP; Arlene Fernandez-Anderson, WVUH-East Jefferson Memorial Hospital; Todd Fraser, Customs Border Protection; John Gonano, River & Trail Outfitters; John Guiney, Harpers Ferry NHP; Jeanie Hamilton, MidAtlantic Farm Credit; Ryan Jones, Harpers Ferry NHP; Andrew Lee, Harpers Ferry NHP; Rob Losey, Bloomery Plantation Distillery; Amanda Mullins, River Riders; Neal Nilsen, Ask Neal; Shepherd Ogden, JC Development Authority; Sterling Porter, Kingdom Life Cathedral Ministries; John Reisenweber, JC Development Authority; Patrick Rinard, Hampton Inn; Jeni Sales, City of Charles Town; Matt See, American Public University; Jack Shaw, Shepherd University; William Strider, City of Ranson; Amanda Thomas, Teacher of the Year; and Kareem Washington, Hollywood Casino; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Leadership Jefferson for its service, dedication and commitment to Jefferson County; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials of Leadership Jefferson.

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

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

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

Senators Chafin, Unger, Yost, McCabe, Wells and Williams offered the following resolution:

Senate Resolution No. 30—Congratulating the Saint Agnes School Lady Vikings Basketball Team for winning the 2013 Kanawha Valley Church League Elementary Girls' Division Championship.

Whereas, The Lady Vikings completed an amazing 2013 basketball season, finishing with a perfect record of 19-0 and winning the Kanawha Valley Church League Elementary Girls' Division Championship; and

Whereas, The Lady Vikings are led by coaches Phil Monroe and Tony O'Leary; and

Whereas, The Lady Vikings team consisted of players Skylar Bishop, Claire Bunn, Carly Chafin, Chloe Greathouse, Julia Preservati, Kelly Hayes, Madeline Hunt, Acacia Johnson, Elizabeth Kay, Alexandra Macia, Megan Thornburg and Sophia Veazy; and

Whereas, The Lady Vikings displayed their strong will, fierce determination, camaraderie and faith for an entire season and will be remembered as one of the best teams ever assembled in Kanawha Valley Church League basketball history; and

Whereas, The Lady Vikings were most ably supported by their classmates, faculty and families throughout the season, without whose generous support their perfect season could not have been achieved; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Saint Agnes School Lady Vikings Basketball Team for winning the 2013 Kanawha Valley Church League Elementary Girls' Division Championship; and, be it

Further Resolved, That the Senate acknowledges the dedication and commitment of each individual coach and player, which resulted in the Lady Vikings' undefeated championship season; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Saint Agnes School Lady Vikings Basketball Team.

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

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

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Barnes, and by unanimous consent, returned to the second order of business and the introduction of guests.

The Senate then proceeded to the eighth order of business.

Eng. Senate Bill No. 125, Permitting Monongalia County Commission to levy special district excise tax.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder,

Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)-34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 125) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)-34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 125) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 386, Relating to personal safety orders.

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

Senate Bill No. 387, Relating to family court judge supervision of criminal background investigations.

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

Senate Bill No. 423, Providing certain convicted persons reduction in sentence.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill No. 200, Relating to Eyewitness Identification Act.

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

Com. Sub. for Senate Bill No. 372, Creating criminal offense for interfering with emergency service call.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Tuesday, March 12, 2013, at 11 a.m.

TUESDAY, MARCH 12, 2013

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Shauna Hyde, Associate Pastor, Christ Church United Methodist, Charleston, West Virginia.

Pending the reading of the Journal of Monday, March 11, 2013,

On motion of Senator Kirkendoll, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2361—A Bill to amend and reenact §9A-4-2 of the Code of West Virginia, 1931, as amended, relating to including persons who served honorably in the National Guard and Reserves or who were discharged because of a service connected disability in the definition of “eligible veteran” for certain state training and employment preference benefits.

Referred to the Committee on Military; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2553—A Bill to amend and reenact §31B-8-809 of the Code of West Virginia, 1931, as amended; to amend and reenact §31D-14-1420 of said code; to amend and reenact §31D-15-1530 of said code; to amend and reenact §31E-13-1320 of said code; and to amend and reenact §31E-14-1430 of said code, all relating to the authority to conduct business in the state; authorizing the Secretary of State to administratively dissolve or revoke the certificate of authority of certain business entities; authorizing dissolution or revocation if a professional license has been revoked and that license is necessary for the continued operation of the business entity; and authorizing dissolution or revocation if the business entity is in default with the Bureau of Employment Programs.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2554—A Bill to amend and reenact §31D-15-1532 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §31D-15-1533; to amend and reenact §31E-14-1432 of said code; to amend said code by adding thereto a new section, designated §31E-14-1533; and to amend and reenact §59-1-2 of said code, all relating to providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations; establishing a fee for reinstatement; and establishing a fee for parties to corporate mergers.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2760—A Bill to repeal §8-12-5a of the Code of West Virginia, 1931, as amended; to amend and reenact §7-1-3 of said code; to amend and reenact §8-12-5 of said code; and to amend said code, by adding thereto a new article, designated §61-7B-1, §61-7B-2, §61-7B-3, §61-7B-4, §61-7B-5 and §61-7B-6, all relating to crimes and punishment; jurisdiction, powers and duties of county commissions; general powers of municipalities and their governing bodies; uniform regulation of firearms, ammunition, and firearm accessories throughout West Virginia solely by the Legislature; legislative intent; definition; general rules relating to the regulation of firearms, ammunition and firearm accessories; remedies for unlawful regulation; providing for exceptions; and providing applicability, grand fathering clause and effective date.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 22—Requesting the Division of Highways to name a section of County Route 16, known as the Buffalo Creek Road, running through the unincorporated community of Lorado, Logan County, West Virginia, from the Lorado highway marker on the eastern edge of the community to the Lorado highway marker on the western edge of the community, the “Kerry Albright Road”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 159, Creating Real Property Transfer on Death Act.

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

Com. Sub. for Senate Bill No. 159 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §36-12-1, §36-12-2, §36-12-3, §36-12-4, §36-12-5, §36-12-6, §36-12-7, §36-12-8, §36-12-9, §36-12-10, §36-12-11, §36-12-12, §36-12-13, §36-12-14, §36-12-15, §36-12-16 and §36-12-17, all relating to creating the Uniform Real Property Transfer on Death Act; authorizing the transfer of real property effective at the time of a transferor's death; providing for applicability and nonexclusivity of this method of transferring real property; providing that a transfer on death deed is revocable and nontestamentary; establishing the capacity of transferor; setting forth requirements for a transfer of death deed; providing that transfer of death deed exempt from payment of excise tax on the privilege of transferring real estate; providing that notice, delivery, acceptance or consideration are not required; providing requirements for revocation of deed; setting forth the effect of transfer on death deed during a transferor's life and effect of the deed at transferor's death; providing for disclaimer; providing for liberal construction; providing for uniformity of application and construction; setting forth the article's relation to the Electronic Signatures in Global and National Commerce Act; and defining terms.

And,

Senate Bill No. 427, Clarifying requirements for certain motor vehicle searches.

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

Com. Sub. for Senate Bill No. 427 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-1A-10 of the Code of West Virginia, 1931, as amended, relating to clarifying requirements for certain motor vehicle searches.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 368, Clarifying certain criminal conviction constitutes basis for voiding marriage.

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

Respectfully submitted,

Corey Palumbo,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 383, Authorizing family court judges appoint counsel in certain contempt cases.

And has amended same.

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

Respectfully submitted,

Corey Palumbo,
Chair.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Walters, Barnes, Green, D. Hall, Kirkendoll, Miller, Nohe, Stollings, Sypolt and Tucker:

Senate Bill No. 497—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2 and §11-13DD-3; to amend and reenact §15-5-21 of said code; to amend said code by adding thereto a new section, designated §17-2A-8d; and to amend and reenact §55-7D-1 of said code, all relating to improving state emergency preparedness; creating an emergency generator tax credit for natural gas-, propane-, gasoline- or diesel-fueled machines; requiring the Office of Emergency Services to coordinate with local radio and television stations to broadcast public service announcements with information as to the location of emergency shelters; authorizing the Commissioner of Highways to erect signs relating to emergency shelters; providing tax credits for use of emergency generators; and providing a protection from civil or criminal liability to persons donating food during times of emergencies.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Palumbo:

Senate Bill No. 498—A Bill to amend and reenact §11-16-24 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3A-28 of said code; to amend and reenact §60-7-13a of said code; and to amend and reenact §60-8-18 of said code, all relating to providing consistency for the location of the Alcohol Beverage Control Administration's appeal hearings; and providing that appeals from the commissioner's decision are to be brought in the circuit court of Kanawha County.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Chafin:

Senate Bill No. 499—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-111, relating to general consumer protection; prohibiting surcharges by sellers on credit card usage by consumers as method of payment; and requiring sellers to make clear and conspicuous disclosure of all fees otherwise charged.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill No. 500—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3pp, relating to authorizing certain counties to levy on ski lift tickets for funding local emergency medical services.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Chafin, Barnes, Nohe and Fitzsimmons:

Senate Bill No. 501—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to permitting the Division of Motor Vehicles to issue special registration plates to

family members of law-enforcement officers who have been killed in the line of duty.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Palumbo, Kessler (Mr. President), Unger, Stollings, Cann and McCabe:

Senate Bill No. 502—A Bill to amend and reenact §18-21-2 and §18-21-4 of the Code of West Virginia, 1931, as amended, all relating to clarifying the special community-based pilot demonstration project to improve outcomes for at-risk youth.

Referred to the Committee on Education.

By Senators Kessler (Mr. President), Yost, Wells, Cann, Nohe and Fitzsimmons:

Senate Bill No. 503—A Bill to amend and reenact §7-3-2a of the Code of West Virginia, 1931, as amended, relating to requiring purchase and display of POW/MIA flag at county courthouses and other government buildings.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Miller, Williams and D. Hall:

Senate Bill No. 504—A Bill to repeal §19-4-26 and §19-4-30 of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-4-1, §19-4-2, §19-4-6, §19-4-10, §19-4-19, §19-4-21 and §19-4-29 of said code, all relating to cooperative associations; permitting three or more persons producing agricultural products to form a profit or nonprofit cooperative association; providing that certain credit union provisions apply; permitting the association be managed by not fewer than three directors; requiring cooperative associations file annual reports with the Secretary of State; requiring the term “cooperative” or its abbreviation be in the name of the association; prohibiting a farmer’s marketing association

from using the term “cooperative” or its abbreviation as part of its name unless certain conditions are met; stating that the business corporation or nonprofit corporation laws apply to cooperatives; clarifying definitions; and clarifying articles of incorporation and directors of cooperative associations.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senators Snyder and Wells:

Senate Bill No. 505—A Bill to amend and reenact §29A-2-7 of the Code of West Virginia, 1931, as amended, relating to publication of the State Register; providing that the State Register and its supplements will be available only in electronic format with limited exceptions; and providing that the fees collected for the sale of certain records will be deposited in equal amounts into the General Revenue Fund and the service fees and collections account.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

Senators Walters, Carmichael, Cole, Fitzsimmons, McCabe, Palumbo, Snyder, Sypolt, Wells, Yost, Kessler (Mr. President), Unger and Stollings offered the following resolution:

Senate Concurrent Resolution No. 19—Requesting the Division of Highways to name bridge number 20-61-10.39, crossing Cabin Creek on United States Route 61, in Kanawha County, the “U. S. Army Sgt. Archie W. Searls Memorial Bridge”.

Whereas, Archie W. Searls was born July 2, 1920, and lived a full life until he passed away on January 6, 2013; and

Whereas, Archie W. Searls served his country in World War II, having served in the United States Army’s 3144th Signal Service Detachment; and

Whereas, Archie W. Searls worked for Appalachian Power Company for forty-one years, working eleven years at the company's Cabin Creek facility and an additional thirty years at the company's Kanawha River Plant facility in Glasgow; and

Whereas, Archie W. Searls served as a charter board member of the Chelyan Public Service District, now Kanawha Public Service District, and served multiple terms as president of the Public Service District, where he worked to provide the citizens of eastern Kanawha County with fresh potable water and sanitary sewer systems; and

Whereas, Archie W. Searls served as a board member of the Kanawha Valley Regional Transportation Authority for fifteen years, where he also served multiple terms as President of the Transportation Authority, working to improve public transportation for all citizens of Kanawha County; and

Whereas, Archie W. Searls was a lifelong member of the Chelyan United Methodist Church, where he served on the Administrative Council. He also gave freely of his time serving as the Chaplain for the East Bank High School football team for sixteen years, and continued to serve in this capacity for an additional fourteen years at Riverside High School; and

Whereas, Archie W. Searls regularly volunteered at Heartland Healthcare Center for more than thirty years, helping care for senior citizens less fortunate than himself even in his advanced age; and

Whereas, Archie W. Searls was a member of plethora fraternal organizations including Chelyan Masonic Lodge 158, where he served as a past master, Chelyan and Pratt Lions Clubs, Eastern Star, the Scottish Rite and Shrine of Charleston; and

Whereas, Archie W. Searls was a lifelong resident of the Greater Chelyan area near East Bank, West Virginia, and naming a bridge after Archie W. Searls near his home would be a small tribute to

a man who was very well thought of and who always placed his fellow citizens' well being before his own; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name bridge number 20-61-10.39, crossing Cabin Creek on United States Route 61, in Kanawha County, the "U. S. Army Sgt. Archie W. Searls Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "U. S. Army Sgt. Archie W. Searls 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 Secretary of the Department of Transportation and to the family of Archie W. Searls.

Which, under the rules, lies over one day.

Senators Chafin, Yost, Kessler (Mr. President), Unger, Stollings and D. Hall offered the following resolution:

Senate Concurrent Resolution No. 20—Requesting the Division of Highways to name State Route 80, beginning at the intersection of Routes 52 and 80 in Iaeger and ending at the intersection of Routes 83 and 80 in Bradshaw, in McDowell County, the "Army PFC Phill G. McDonald Medal of Honor Recipient Memorial Highway".

Whereas, PFC McDonald was born on September 13, 1941, to Oscar Fred and VanDora McDonald; and

Whereas, PFC McDonald was raised in Avondale and had thirteen brothers and sisters; and

Whereas, When PFC McDonald was about seventeen he moved to Greensboro, North Carolina, where his sister Alice resided and began working in a cedar plant; and

Whereas, After moving to North Carolina PFC McDonald became active in the Central Assembly Church of God, taught Sunday School, sang in the choir, played the guitar and planned to become a minister; and

Whereas, PFC McDonald joined the United States Army in Beckley, West Virginia, in 1967, took basic training at Fort Benning, Georgia, and served as a private first class in Company A, 1st Battalion, 14th Infantry Regiment, 4th Infantry Division; and

Whereas, PFC McDonald was posthumously awarded the Medal of Honor by President Nixon during a special ceremony at the White House, for his actions during a June 7, 1968, firefight near Kontum City in the Republic of Vietnam, during which he was killed; and

Whereas, PFC McDonald's Medal of Honor Citation reads in full: "For conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty. Pfc. McDonald distinguished himself while serving as a team leader with the First Platoon, Company A. While on a combat mission his platoon came under heavy barrage of automatic weapons fire from a concealed company-size enemy force. Volunteering to escort two wounded comrades to an evacuation point, McDonald crawled through intense fire to destroy with a grenade an enemy automatic weapon threatening the safety of the evacuation. Returning to his platoon, he again volunteered to provide covering fire for the maneuver of the platoon from its exposed position. Realizing the threat he posed, enemy gunners concentrated their fire on McDonald's position, seriously wounding him. Despite his painful wounds, McDonald recovered the weapon of a wounded machine gunner to provide accurate covering fire for the gunner's evacuation. When other soldiers were pinned down by a heavy volume of fire from

a hostile machine gun to his front, McDonald crawled toward the enemy position to destroy it with grenades. He was mortally wounded in this intrepid action. McDonald's gallantry at the risk of his life which resulted in the saving of the lives of his comrades, is in keeping with the highest traditions of the military service and reflects great credit upon himself, his unit, and the U. S. Army"; and

Whereas, PFC McDonald is McDowell County's only Medal of Honor recipient; and

Whereas, On February 23, 2012, during a special ceremony, PFC McDonald's portrait and Medal of Honor citation were placed in the McDowell County Courthouse and in the hearts of all those who knew him; and

Whereas, During that February 23, 2012, ceremony, VFW Post 1144, Iaeger, and American Legion Post 175, Bradshaw, combined to offer a 21-gun salute at the courthouse to honor PFC McDonald; and

Whereas, It is fitting to honor Army PFC Phill G. McDonald for his commitment, dedication and service to his country and his state and having made the ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name State Route 80, beginning at the intersection of Routes 52 and 80 in Iaeger and ending at the intersection of Routes 83 and 80 in Bradshaw, McDowell County, the "Army PFC Phill G. McDonald Medal of Honor Recipient Memorial Highway"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the highway as the "Army PFC Phill G. McDonald Medal of Honor Recipient Memorial Highway"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and the family of Army PFC Phill G. McDonald.

Which, under the rules, lies over one day.

Senators Plymale, Yost, Kessler (Mr. President), Unger, Stollings and Jenkins offered the following resolution:

Senate Resolution No. 31—Congratulating the Huntington High School wrestling team for winning the 2013 West Virginia AAA State Championship.

Whereas, The Highlanders completed an amazing 2013 wrestling season, which resulted in Huntington High School's first ever wrestling state championship; and

Whereas, En route to winning the championship, the Highlanders defeated four-time defending champion Parkersburg South in impressive style, finishing with three individual state champions, placing ten out of fourteen wrestlers, and racking up 200 points; and

Whereas, The Highlanders are led by head coach Rob Archer and assistant coaches John Dempsey, Steve Riner, Zack Fraley and Randy Edrington; and

Whereas, The Highlanders team consists of wrestlers Jordan Allen (State Champion), Justin Arthur (State Champion and Most Outstanding Wrestler), Jacob Blackburn, Austin Budd, Nigale Cabell, Carter Capehart, Isaac Carpenter, Chase Childers, Paden Christian, Devin Dempsey, Dylan Dempsey, Jesse Donahoe, Andre Franklin, Logan Grass (State Champion), Stefan Gibbs, Alex Haddox, Trevor Johnson, Tucker Kennedy, Jacob Ketchum, Toney Kitts, Jason Martin, Kyle McCoy, Patrick Murphy, Aerison Parrish,

Jeremy Perkins, Ian Preston, Tanner Ratcliff, Cody Shepherd, Johnathan Spence, Noah Toney, Billy Waldeck and Bryce Wooten; and

Whereas, The Highlanders displayed their strong will and determination for an entire season and will be remembered as one of the most successful teams ever assembled in West Virginia high school wrestling history; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Huntington High School wrestling team for winning the 2013 West Virginia AAA State Championship; and, be it

Further Resolved, That the Senate acknowledges the dedication and commitment of each individual coach and wrestler, which resulted in the Highlanders winning the first ever wrestling state championship for Huntington High School; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Huntington High School wrestling team.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

Senate Concurrent Resolution No. 18, Requesting DOH name portion of State Route 20 in Wyoming County “David and Janet Lee Memorial Highway”.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 386, Relating to personal safety orders.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 386) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 386) takes effect from passage.

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

Eng. Senate Bill No. 387, Relating to family court judge supervision of criminal background investigations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 387) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder,

Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 387) takes effect from passage.

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

Eng. Senate Bill No. 423, Providing certain convicted persons reduction in sentence.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 423) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 423) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 200, Relating to Eyewitness Identification Act.

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

Com. Sub. for Senate Bill No. 372, Creating criminal offense for interfering with emergency service call.

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

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

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Wednesday, March 13, 2013, at 11 a.m.

WEDNESDAY, MARCH 13, 2013

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Dr. Braxton Broady, Ebenezer Baptist Church, Charleston, West Virginia.

Pending the reading of the Journal of Tuesday, March 12, 2013,

On motion of Senator Green, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the fourth order of business.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 11, Relating to schedules of controlled substances.

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

Com. Sub. for Senate Bill No. 11 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact

§60A-1-101 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60A-2-204, §60A-2-206, §60A-2-208, §60A-2-210 and §60A-2-212 of said code, all relating generally to schedules of controlled substances; modifying and including definitions; and updating West Virginia schedules of controlled substances to include certain substances found in the federal schedules of controlled substances.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

The bill (Com. Sub. for S. B. No. 11), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 27, Relating to administration of opioid antidote in emergency situations.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 100, Requiring mandatory use of armored vests by law enforcement.

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

Com. Sub. for Senate Bill No. 100 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-14-3a; and to amend and reenact §15-2-10 of said code, all relating to requiring law-enforcement officers to wear certain armored vests when feasible; requiring municipal police chiefs to create a policy regarding the mandatory use of certain armored vests; and requiring the Superintendent of the West Virginia State Police to create a policy regarding the mandatory use of certain armored vests.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

The bill (Com. Sub. for S. B. No. 100), under the original double committee reference, was then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 108, Creating Unintentional Pharmaceutical Drug Overdose Fatality Review Team.

And has amended same.

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

Respectfully submitted,

Herb Snyder,
Chair.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 221, Authorizing Office of Administrative Hearings promulgate legislative rule relating to appeal procedures.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Transportation and Infrastructure pending.

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

Your Committee on Finance has had under consideration

Senate Bill No. 226, Authorizing Board of Barbers and Cosmetologists promulgate legislative rule relating to barber apprenticeships.

Senate Bill No. 266, Authorizing DHHR promulgate legislative rule relating to fees for services.

Senate Bill No. 293, Authorizing Board of Optometry promulgate legislative rule relating to schedule of fees.

Senate Bill No. 304, Authorizing Board of Examiners for Registered Professional Nurses promulgate legislative rule relating to fees for services rendered by board and supplemental renewal fee for Center for Nursing.

And,

Senate Bill No. 312, Authorizing Bureau of Senior Services promulgate legislative rule relating to in-home care worker registry.

And reports the same back with the recommendation that they each do pass; but under the original triple committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Douglas E. Facemire,
Vice Chair.

The bills, under the original triple committee references, were then referred to the Committee on the Judiciary.

Senator Laird, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill No. 229, Authorizing Conservation Committee promulgate legislative rule relating to operation of State Conservation Committee and conservation districts.

With an amendment from the Committee on Agriculture and Rural Development pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Agriculture and Rural Development to which the bill was first referred; but under the original triple committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

William R. Laird IV,
Chair.

The bill, under the original triple committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Agriculture and Rural Development pending.

Senator Facemire, from the Committee on Energy, Industry and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry and Mining has had under consideration

Senate Bill No. 245, Authorizing DEP promulgate legislative rule relating to horizontal well development.

And has amended same.

And,

Eng. Com. Sub. for House Bill No. 2579, Revising state water quality standard for Selenium.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Douglas E. Facemire,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary, with amendments from the Committee on Energy, Industry and Mining pending.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 258, Authorizing DHHR promulgate legislative rule relating to chronic pain management clinic licensure.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original triple committee reference first be referred to the Committee on Finance; and then to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

The bill, under the original triple committee reference, was referred to the Committee on Finance; and then to the Committee on the Judiciary, with an amendment from the Committee on Health and Human Resources pending.

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

Your Committee on Finance has had under consideration

Senate Bill No. 267, Authorizing DHHR promulgate legislative rule relating to reportable diseases, events and conditions.

With an amendment from the Committee on Health and Human Resources pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Health and Human Resources to which the bill was first referred; but under the original triple committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Douglas E. Facemire,
Vice Chair.

The bill, under the original triple committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Health and Human Resources pending.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 269, Authorizing Commissioner of Highways promulgate legislative rule relating to transportation of hazardous wastes upon roads and highways.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 353, Establishing First Informer Broadcasters Act.

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

Com. Sub. for Senate Bill No. 353 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-5C-1, §15-5C-2, §15-5C-3 and §15-5C-4, all relating to establishing the First Informer Broadcasters Act; defining terms; permitting broadcasters to develop plans for preparing and responding to emergencies and disasters; permitting broadcasters to train and certify certain personnel to be first informer broadcasters; setting forth what training and certification plans must contain; and requiring, to the extent practicable, government agencies to allow first emergency broadcasters access to emergency areas to repair equipment critical to their emergency broadcasting responsibilities.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Herb Snyder,
Chair.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 359, Relating generally to reforming public education.

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

Com. Sub. for Senate Bill No. 359 (originating in the Committee on Education)—A Bill to repeal §18-2-23a and §18-2-32 of the Code of West Virginia, 1931, as amended; to repeal §18-2E-5c of said code; to repeal §18-2I-6 and §18-2I-7 of said code; to repeal §18A-3A-2a and §18A-3A-6 of said code; to amend and reenact

§18-1-4 of said code; to amend and reenact §18-2-24 of said code; to amend said code by adding thereto a new section, designated §18-2-39; to amend and reenact §18-2E-5 of said code; to amend and reenact §18-2I-1, §18-2I-2, §18-2I-3, §18-2I-4 and §18-2I-5 of said code; to amend and reenact §18-3-1 and §18-3-12 of said code; to amend said code by adding thereto a new section, designated §18-3-9b; to amend and reenact §18-5-18, §18-5-44 and §18-5-45 of said code; to amend and reenact §18-5A-5 of said code; to amend and reenact §18A-2-1 and §18A-2-7 of said code; to amend said code by adding thereto two new sections, designated §18A-3-1d and §18A-3-1e; to amend and reenact §18A-3-2a of said code; to amend and reenact §18A-3A-1, §18A-3A-2 and §18A-3A-3 of said code; to amend and reenact §18A-4-2a, §18A-4-7a, §18A-4-8, §18A-4-8a and §18A-4-14 of said code; to amend and reenact §18A-5-2 of said code; to amend and reenact §18C-1-2 of said code; to amend and reenact §18C-4-1, §18C-4-2, §18C-4-3 and §18C-4-4 of said code; and to amend said code by adding thereto three new sections, designated §18C-4A-1, §18C-4A-2 and §18C-4A-3, all relating to transforming and improving public education; removing outdated language; requiring the State Board of Education, the Higher Education Policy Commission and the Council for Community and Technical College Education to collaborate in formally adopting uniform and specific college- and career-readiness standards for English/language arts and math; providing methods for determining whether students have met the college- and career-readiness standards; requiring that an explicit focus be embedded in each course on the development of English/language arts and math skills; requiring a twelfth-grade transitional course for both English/language arts and math for students not on track to be college ready; requiring professional development on teaching the college- and career-readiness standards to be included in the state board's Master Plan for Professional Staff Development; requiring the state board to require all teacher preparation programs to include appropriate training for teaching adopted standards in at least grades eight through twelve; requiring the use of certain assessments, exams or tests for determining whether a student is eligible for a remedial course; requiring accountability for

increasing the percentage of students who meet the standards and for increasing the percentage of students who are making adequate progress toward meeting the standards; removing requirement applicable to annual county and school strategic improvement plans; modifying requirements for high-quality education standards for student, school and school system performance and processes; modifying requirements pertaining to a comprehensive statewide student assessment program; removing provisions relating to No Child Left Behind annual measures; modifying provisions pertaining to the state annual performance measures for school and school system accreditation; removing provisions pertaining to requiring the standards to include indicators of exemplary student, school and school system performance and progress; eliminating the Process for Improving Education Council; modifying component of system of education performance audits; expanding state board authority pertaining to the Office of Education Performance Audit's reporting formats; eliminating condition for on-site review; removing prohibition of certain duplicate reviews or inspections; removing provisions pertaining to persons who are to conduct an on-site review; removing list of areas for which the office may not review; modifying provisions pertaining to school accreditation; removing provision allowing a student to transfer from a low-performing school under certain conditions; professional development; establishing clear state-level leadership of professional development; providing findings on the importance of professional development; requiring State Board of Education to develop a master plan for professional development; requiring submission of plan to certain entities; requiring goals to be established and included in the master plan; requiring state board rules; setting forth minimum components of the rule; requiring annual report on the statewide professional development plan; modifying language pertaining to the Strategic Staff Development Fund; modifying State Superintendent of Schools qualifications and removing his or her salary limit; requiring state superintendent to reduce the amount budgeted for personal services, related employee benefits and contractual expenditures related to employment in fiscal years 2014 and 2015; increasing the number

of schools to be included in a special community development pilot program; modifying other provisions pertaining to the pilot program; requiring kindergarten and early childhood aides to transition to one of three new assistant teacher positions after date certain; exempting those eligible for retirement before July 1, 2020; requiring early childhood education programs to be made available five days a week for the full day; allowing program to be for fewer than five days per week and less than full day under certain circumstances; allowing parent to withdraw child for good cause; providing for local control of the school calendar; defining terms and establishing findings about the school calendar; requiring a 200-day employment term; requiring one hundred eighty separate days of actual instruction are to be provided for students; requiring school term to include out-of-calendar days that are to be used for instructional days in the event school is canceled; requiring county policy for adding minutes or days to school calendar for certain purpose; requiring that one hundred eighty days be within a 365-day period set by the county board; limiting noninstructional interruptions to instructional day; requiring state board or state superintendent approval of proposed county calendar; requiring public meetings for discussions of a school system's calendar; allowing the state board to grant a waiver to certain code sections that prevent a school system from meeting one hundred eighty instructional days; requiring state board rule to implement the calendar section provisions; removing language about faculty senates on instructional support and enhancement days; requiring the local board to provide at least four additional two-hour blocks of time during noninstructional days, with each block scheduled once at least every forty-five instructional days; prohibiting principals from recommending for employment certain individuals who are related to him or her; allowing reassignment of teachers when a vacancy was not foreseen before March 1 based on pupil-teacher ratio; requiring state board to determine whether a group qualifies as a national teaching corps; allowing participants in a national teaching corps to become classroom teachers; creating a critical need alternative teacher certificate; providing that the certificate is only valid for teaching in subject areas, public schools

or geographic areas in which the state board determines that critical teacher shortages exist; providing that the certificate is a two-year certificate that can be renewed for one year; setting forth minimum requirements to receive a critical need alternative teacher certificate; creating a professional support team for these new teachers; recommendation for certification of teachers on the critical need alternative teaching certificate by support team; requiring state board rules that must at least include additional requirements for a person with a critical need alternative teaching certificate to obtain a professional certificate; amending requirements for professional teaching certificates through alternative certifications; further defining “critical need alternative teaching certificates”; providing for salary bonus for classroom teachers with a National Board for Professional Teaching Standards renewal certificate; providing for reimbursement of the renewal certification fee; removing language that limits the number of board-certified teachers who can receive reimbursement per year; adding seniority to the list of factors to be considered when filling vacancies in professional positions of employment; eliminating restrictive hiring language for classroom teaching positions; allowing county boards to give consideration to recommendations made by the principal and the faculty senate; allowing released employees to be hired for certain vacancies prior to the job being posted; limiting bumping to within a school with county seniority; allowing for multiple postings within a thirty-day period under certain conditions; removing language that limits internal school bumping to elementary school; allowing reassignment of a teacher within his or her school upon consent of teacher and county board; eliminating the 43-week limit on the employment term for service personnel; creating three new types of early childhood classroom assistant teacher positions; assigning a pay grade to the new positions; requiring state board study on planning periods; clarifying that not all holidays will be counted as a day of the employment term and that pay per pay period cannot change as a result; providing that snow days are not counted as days of employment or days of instruction; providing definitions; scholarships and loan assistance for teachers in critical need areas; creating loan assistance program; determining subject and

geographic areas of critical need; requiring legislative rules for program administration; revising eligibility criteria and specifying effective date; determining eligibility and awarding loan assistance; establishing criteria for inclusion in scholarship and loan assistance agreements; requiring payments to be made directly to a lending entity; requiring model contract agreements; specifying loan amount, limits and duration of loan assistance; requiring repayment under certain conditions; specifying excusal from repayment under certain conditions; and making technical corrections and deleting obsolete language.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert H. Plymale,
Chair.

At the request of Senator Plymale, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 359) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 367, Creating Citizens Elected County Officials Compensation Commission.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 376, Relating to DUI hearings before Office of Administrative Hearings.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 394, Relating to scholarships for dependent children of state troopers who die in performance of duty.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on the Judiciary pending.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 404, Defining certain habitually absent student as neglected child.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert H. Plymale,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 412, Relating to removal of elected county conservation district supervisors from office.

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

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Laird, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill No. 414, Clarifying hunting and fishing license-issuing authorities.

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

Com. Sub. for Senate Bill No. 414 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-32 of the Code of West Virginia, 1931, as amended, relating to issuing hunting and fishing licenses; and clarifying who may be designated a license-issuing authority.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

William R. Laird IV,
Chair.

The bill (Com. Sub. for S. B. No. 414), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Military has had under consideration

Senate Bill No. 460, Exempting certain residents' active duty military pay from state income tax.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Erik P. Wells,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on Military pending.

Senator Facemire, from the Committee on Energy, Industry and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry and Mining has had under consideration

Senate Bill No. 463, Increasing special license fee paid by pipeline companies to PSC.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Douglas E. Facemire,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 464, Regulating tanning facilities.

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

Com. Sub. for Senate Bill No. 464 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-45-1, §16-45-2, §16-45-3, §16-45-4, §16-45-5 and §16-45-6, all relating generally to regulation of tanning facilities; defining terms; setting forth requirements for registration, inspection and obtaining a permit; requiring a consent form; setting forth consent form language; creating operating standards; prohibiting the use of tanning devices by anyone under the age of eighteen; granting rule-making authority to the Department of Health and Human Resources to regulate tanning facilities; setting

forth minimum requirements for the rule; allowing fees; and establishing criminal penalties.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Ron Stollings,
Chair.

At the request of Senator Prezioso, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Health and Human Resources.

Senator Laird, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill No. 467, Revising stocking permit requirements for release of aquatic species into state waters.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

William R. Laird IV,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution No. 8, Requesting DOH name portion of Route 38 in Fayette County “Sizemore Moran Veterans Memorial Road”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 8 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name the portion of Route 38, from its intersection at Route 16 to its intersection at Route 61, in Fayette County, West Virginia, the “Sizemore Moran Veterans Memorial Road”.

Whereas, Jackson Douglas Sizemore, Phillip Sizemore, Arthur Sizemore, Fred Sizemore, Ralph Sizemore and Harry Moran, the sons and son-in-law of Mr. and Mrs. Phillip Sizemore, Sr., of Oak Hill, West Virginia, all served their country admirably in the United States armed forces; and

Whereas, Jackson Douglas Sizemore enlisted in the Army on August 2, 1939, and was stationed on the Island of Oahu, Hawaii, where he served during the attack on Pearl Harbor; and

Whereas, Phillip Sizemore, Jr., enlisted in the Navy on September 29, 1942, and after being stationed in California served his country in the South Pacific; and

Whereas, Arthur Sizemore enlisted in the Navy on September 17, 1941, where he was assigned to the Naval Cook and Bakers’ School at Norton Heights, Connecticut, and went on to serve for more than two years in the Caribbean; and

Whereas, Fred Sizemore enlisted in the Navy on September 20, 1940, served on the U. S. S. Phoenix, a cruiser with the Pacific fleet, and battled the Japanese during the invasion of Pearl Harbor; and

Whereas, Ralph Sizemore enlisted in the Navy on September 14, 1943, was assigned to the United States Naval Air Technical Training Center in Chicago, served all over the Pacific, and fought in the Battle of Leyte Gulf; and

Whereas, Harry Moran, brother-in-law of the Sizemore brothers, enlisted in the U. S. Army Air Corps, received his basic training at Aberdeen Proving Grounds in Maryland, was a member of the Flying Tigers and went on to serve his country in Asia; and

Whereas, Jackson Douglas Sizemore, Phillip Sizemore, Arthur Sizemore, Fred Sizemore, Ralph Sizemore and Harry Moran did a great service to their country in time of conflict and war, and will always be remembered for their service; and

Whereas, It is fitting and proper to create a lasting tribute in honor of the Sizemore-Moran brothers, for their dedicated service to their country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the portion of Route 38, from its intersection at Route 16 to its intersection at Route 61, in Fayette County, West Virginia, the "Sizemore Moran Veterans Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the route as the "Sizemore Moran Veterans Memorial Road"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to Arthur and Ralph Sizemore.

Senate Concurrent Resolution No. 10, Requesting DOH name bridge in Lincoln County “Shelton Topping Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 10 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name the Atenville Beam Span Bridge on Rt. 10, Lincoln County, .1 mile south of South Route 68, bridge number 22-10-6.54, the “Shelton Topping Bridge”.

Whereas, Shelton Topping was born May 11, 1926. He has been married to Edith Maynard Topping for sixty-two years. They had three children, eight grandchildren and ten great-grandchildren. He is an Elder at 14 Mile Church of Christ and upstanding member of the Harts Community. He is a World War II veteran, joining the Army in November, 1944, at seventeen years old. He was awarded the Bronze Star, badges for Marksmanship, the Combat Infantry and a European African Middle Eastern campaign ribbon. Additionally, he has the Honor Service Lapel, commonly known as the ruptured duck. Shelton Topping says the reason for joining the Army was “There were six boys in our family and five of them were in the service. My older brother told me I’d better join up soon, or the war would be over before I’d get to go in.” He was a member of the Third Infantry Division of the Army in Company D. Company D was the oldest outfit in the U. S. Army. It was founded and served under General George Washington during the Revolutionary War. When General Patton died in Europe, in December, 1945, Company D served as an Honor Guard at his funeral. Shelton Topping began his military training at Camp Joseph T. Robertson, near Little Rock, Arkansas, was later sent to Fort Meade, Maryland, and then to Camp Shanks in New York before leaving for Europe. He left New York, crossed the English Channel to reach Le Havre, France, and then traveled by train to Germany. In January, 1945, the Third Infantry Division had smashed the Colmar pocket and was driving the last German soldier from the area. The division hit the line again in March, 1945. The

main Siegfried Line positions south of Zweibruecken, Germany, were breached and the Third was on its way to the Rhine River a second time. Light opposition was encountered and on March 23, the division was moved on the Rhine Plain, in the triangle formed by Bad Duerkheim-Frankenthal-Worms to prepare for a crossing of the river. In March, the division was across the Rhine and driving deep into the heart of Germany. The Third's last major battle was at Nuremberg where the Germans put up their last big effort to deal a mortal blow. After three weeks there, the war ended. Shelton Topping's company turned to guarding prisoners of war. They had 4,500 prisoners to guard. They processed the prisoners five hundred men at a time and only eight American soldiers would guard this large group of men. Although he was eighteen at the end of the war, he celebrated his nineteenth and twentieth birthdays overseas. Mr. Topping served as a Special Honor Guard at the United Nations building at the American Embassy in Berlin. The Honor Guard was made up of four soldiers from four countries: The United States, England, France and Russia. There were eighteen regular guards and four honor guards. In order to be an American Honor Guard, one had to be a Bronze Star recipient. Upon returning to the United States from active duty, Mr. Topping studied for his General Educational Development Test, then attended Marshall University. He taught in a one-room school in Sand Creek, West Virginia, and later at a one-room school in Atenville, West Virginia. Because teaching school made it difficult to support a family at that time, he had to quit teaching and go work in the coal mines. He worked for Island Creek Coal Company in Logan County, until he retired; and

Whereas, The contributions of Shelton Topping to his country, state and community should not go unnoticed. It is fitting to honor Shelton Topping by naming the bridge on Rt. 10, Lincoln County, .1 mile south of South Route 68 for Shelton Topping; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the Atenville Beam Span Bridge on Rt. 10, Lincoln County,

.1 mile south of South Route 68, bridge number 22-10-6.54, the “Shelton Topping 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 “Shelton Topping Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation, to Mr. Shelton Topping and to his surviving children and relatives.

Senate Concurrent Resolution No. 13, Requesting DOH name bridge in Lewis County “J. Cecil Jarvis Memorial Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 13 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name the bridge over Skin Creek on Skin Creek Road in Lewis County, bridge number 21-30-7.25, the “J. Cecil Jarvis Memorial Bridge”.

Whereas, J. Cecil Jarvis was born on May 11, 1949, in Clarksburg, West Virginia, and passed away as a result of a bicycle crash on the bridge over Skin Creek on Skin Creek Road in Lewis County on May 27, 2007; and

Whereas, J. Cecil Jarvis grew up in Clarksburg, West Virginia, and graduated from Washington Irving High School; and

Whereas, J. Cecil Jarvis graduated from Lehigh University and Vanderbilt Law School; and

Whereas, J. Cecil Jarvis practiced for over thirty years with the Clarksburg, West Virginia, law firm of McNeer, Highland, McMunn & Varner; and

Whereas, J. Cecil Jarvis was a member of the Bridgeport United Methodist Church of Bridgeport, West Virginia; and

Whereas, J. Cecil Jarvis was survived by his wife, Rebecca, his children, Amy, Jennie and Brian, and his grandchildren, John, Nathan, Robert, Cole, Henry and Evelyn; and

Whereas, J. Cecil Jarvis served two terms on the Board of Directors of United Hospital Center, was Chairman of the Board for several years and was a leader and champion of the fund raising for and building of the new United Hospital Center Building; and

Whereas, J. Cecil Jarvis served on the Board of Directors of the West Virginia United Health System, and was highly instrumental in merging United Hospital Center into the West Virginia United Health System; and

Whereas, J. Cecil Jarvis served as President of Clarksburg Publishing Company from 2002 until his passing, publishing the widely circulated *Clarksburg Exponent-Telegram*, and contributing a weekly column based on estate planning and taxation; and

Whereas, J. Cecil Jarvis served on the board of the Harrison County Chamber of Commerce and served as President of the Harrison County Bar Association; and

Whereas, J. Cecil Jarvis was a strong advocate for healthy living, pursuing athletic and outdoor activities at every opportunity, including hunting, fishing, four Iron Man triathlons and two Boston marathons, the last completed shortly before his passing; and

Whereas, It is fitting and proper that J. Cecil Jarvis' life, distinguished career, service to his community and the outstanding example he set for his peers and members of the next generation be honored by naming the bridge over Skin Creek on Skin Creek Road in Lewis County, bridge number 21-30-7.25, the "J. Cecil Jarvis Memorial Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge over Skin Creek on Skin Creek Road in Lewis County, bridge number 21-30-7.25, the “J. Cecil Jarvis 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 “J. Cecil Jarvis 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 Secretary of the Department of Transportation and to the family of J. Cecil Jarvis.

And,

Senate Concurrent Resolution No. 15, Requesting DOH name Logan County Route 5/12 “Private First Class Troy Franklin Tomblin Memorial Highway”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 15 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name the Logan County Route 5/12 (White Oak Road) from the junction of White Oak Creek Road (Co. Rt. 5/11) 0.00-0.35 the “Army Private First Class Troy Franklin Tomblin Memorial Highway”.

Whereas, Troy Franklin Tomblin was born March 25, 1947, to Troy and Nettie Tomblin in Harts, West Virginia. He had six siblings. He was a Baptist and graduated from Chapmanville High School in 1965. He enlisted in the United States Army and started a tour of duty on October 29, 1966, as a Private First Class Infantryman, a member of B Company, Second Battalion, Eighth Infantry, Fourth Infantry Division, United States Army in Vietnam.

He was killed in action in Kontum Province, South Vietnam, on February 21, 1967. Private First Class Troy Franklin Tomblin was awarded the Purple Heart, Vietnam Service Medal, Vietnam Campaign Medal and National Defense Medal; and

Whereas, Army Private First Class Troy Franklin Tomblin gave his life in the service of his country and state and his sacrifice should not go unnoticed; and

Whereas, It is fitting to honor Troy Franklin Tomblin by naming the Logan County Route 5/12 (White Oak Road) from the junction of White Oak Creek Road (Co. Rt. 5/11) 0.00-0.35 the “Army Private First Class Troy Franklin Tomblin Memorial Highway”; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the Logan County Route 5/12 (White Oak Road) from the junction of White Oak Creek Road (Co. Rt. 5/11) 0.00-0.35 the “Army Private First Class Troy Franklin Tomblin Memorial Highway”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the “Army Private First Class Troy Franklin Tomblin Memorial Highway”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to the surviving family and relatives of Troy Franklin Tomblin.

With the recommendation that the four committee substitutes be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Unger, unanimous consent being granted, the resolutions (Com. Sub. for S. C. R. Nos. 8, 10, 13 and 15) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

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

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution No. 14, Requesting DOH name portion of State Route 20 in Upshur County “Thomas B. Dunn Memorial Highway”.

And,

Senate Concurrent Resolution No. 16, Requesting DOH name County Route 5/07 in Logan County “Army PFC James Edward Workman Memorial Road”.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Unger, unanimous consent being granted, the resolutions (S. C. R. Nos. 14 and 16) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

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

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Tucker and Fitzsimmons:

Senate Bill No. 506—A Bill to amend and reenact §31A-4-8 of the Code of West Virginia, 1931, as amended, relating to directors of state-chartered banking institutions; and providing an alternate means of meeting the residency requirement for a majority of the directors of a state-chartered banking institution.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Cann, Jenkins and McCabe:

Senate Bill No. 507—A Bill to amend and reenact §5-10-31 of the Code of West Virginia, 1931, as amended; and to amend and reenact §15-2A-5 of said code, all relating to removing the requirement to

set employer contribution rate for the Public Employees Retirement System and the State Police Retirement System by legislative rule; and clarifying funding rate which affects employee contribution rate in State Police Retirement System.

Referred to the Committee on Pensions.

By Senators Prezioso, Cann, Stollings and McCabe:

Senate Bill No. 508—A Bill to amend and reenact §18B-10-1 of the Code of West Virginia, 1931, as amended, relating to a per-credit-hour tuition demonstration pilot project.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senator Laird:

Senate Bill No. 509—A Bill to amend and reenact §33-22-2 of the Code of West Virginia, 1931, as amended, relating to farmers' mutual fire insurance companies; providing for verification of debris removal prior to the payment of proceeds; imposing a statutory lien on fire insurance proceeds in the event of a total loss to real property; requiring farmers' mutual fire insurance companies to notify insured and municipality or county after determining that a claim involves a total loss to real property; requiring a municipality or county to perfect the lien within thirty days of notice of a total-loss determination; providing for release of the lien upon satisfaction of certain conditions; and clarifying obligations and liability.

Referred to the Committee on Banking and Insurance; and then to the Committee on Government Organization.

By Senators Wells, Fitzsimmons, Green, Yost and Snyder:

Senate Bill No. 510—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6-7-2b, relating to exception to limitation on salaries of certain appointive state officers.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Yost, Edgell, Fitzsimmons, D. Hall, Laird, Wells, Unger and Williams:

Senate Bill No. 511—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-5-1 and §9A-5-2, all relating to creating the West Virginia Veterans Auxiliary Fund.

Referred to the Committee on Military; and then to the Committee on Finance.

By Senator Yost:

Senate Bill No. 512—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to the reduction of state income taxes for certain state and federal retirees by increasing the exemption on retirement income in calculating the federal gross income for state personal income tax purposes.

Referred to the Committee on Finance.

By Senator Yost:

Senate Bill No. 513—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; and increasing adjustments to gross income for military, National Guard and reserve retirement income of resident individuals.

Referred to the Committee on Military; and then to the Committee on Finance.

By Senators Wells and Barnes:

Senate Bill No. 514—A Bill to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating generally to school personnel; and requiring that personal leave for illness and other causes for employees of county boards shall accrue monthly.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Cole, Carmichael, Green, D. Hall and Stollings:

Senate Bill No. 515—A Bill to amend and reenact §17C-15-42 of the Code of West Virginia, 1931, as amended, relating to television receivers and other devices installed in vehicles; restrictions; conditions for use; and inapplicability of section to specific devices.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senators Yost, Miller and Carmichael:

Senate Bill No. 516—A Bill to amend and reenact §47-11B-9 of the Code of West Virginia, 1931, as amended, relating to the bond required for closing-out sales, fire sales and defunct business sales.

Referred to the Committee on Labor; and then to the Committee on the Judiciary.

By Senators Cann, Plymale, D. Hall, M. Hall and Stollings:

Senate Bill No. 517—A Bill to repeal §33-4-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-1-22; to amend and reenact §33-4-8 of said code; to amend and reenact §33-15-4d and §33-15-14 of said code; to amend said code by adding thereto a new section, designated §33-15-22; to amend and reenact §33-16-3h and §33-16-10 of said code; to amend said code by adding thereto a new section, designated §33-16-18; to amend said code by adding thereto three new sections, designated §33-16D-17, §33-16D-18 and §33-16D-19; to amend and reenact §33-24-7c and §33-24-43 of said code; to amend said code by adding thereto a new section, designated §33-24-7i; to amend and reenact §33-25-8b of said code; to amend said code by adding thereto a new section, designated §33-25-8i; to amend and reenact §33-25-20 of said code; to amend and reenact §33-25A-8b of said code; to amend said code by adding thereto a new section, designated §33-

25A-8k; to amend and reenact §33-25A-31 of said code; and to amend said code by adding thereto two new sections, designated §33-28-8 and §33-28-9, all relating to creating the West Virginia Fair Health Insurance Act of 2013; defining “illusory benefit” to require benefits to cover at least seventy-five percent of health care service; establishing reasonable copays among common insurance needs; preventing insurance companies from discriminating against licensed health care practitioners to whom they will pay for a covered service; preventing insurance companies from arbitrarily defining medically necessary rehabilitation services to avoid making payment for a covered service or for a service that should be covered; making physical therapy and rehabilitation services a mandated covered service for any health insurance plan; and increasing the monetary criminal penalty for insurance companies that violate any provisions of the chapter.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Tucker and Plymale:

Senate Bill No. 518—A Bill to repeal §33-25C-5, §33-25C-6, §33-25C-7, §33-25C-9 and §33-25C-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §33-16H-1, §33-16H-2, §33-16H-3 and §33-16H-4, all relating to adverse benefit determinations by insurance companies and managed care organizations; mandating utilization review and internal grievance processes; providing for external review of adverse determinations; defining terms; providing for judicial review of certain decisions; providing that a decision rendered by an independent review organization that is adverse to the issuer is binding on the issuer and not subject to further review; preserving other causes of action; deleting similar provisions applicable to only health maintenance organizations; and directing promulgation of emergency rules and proposal of legislative rules.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senator Barnes:

Senate Bill No. 519—A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years; and proportionate increase to county employees.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Cann, Kessler (Mr. President), M. Hall, Kirkendoll, McCabe, Plymale, Stollings, Tucker, Williams and Palumbo:

Senate Bill No. 520—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6, §5B-2I-7, §5B-2I-8, §5B-2I-9, §5B-2I-10, §5B-2I-11, §5B-2I-12, §5B-2I-13, §5B-2I-14, §5B-2I-15, §5B-2I-16, §5B-2I-17, §5B-2I-18, §5B-2I-19, §5B-2I-20, §5B-2I-21, §5B-2I-22, §5B-2I-23, §5B-2I-24, §5B-2I-25, §5B-2I-26, §5B-2I-27, §5B-2I-28, §5B-2I-29, §5B-2I-30, §5B-2I-31, §5B-2I-32, §5B-2I-33, §5B-2I-34, §5B-2I-35, §5B-2I-36, §5B-2I-37, §5B-2I-38, §5B-2I-39, §5B-2I-40 and §5B-2I-41; to amend said code by adding thereto a new article, designated §11-6L-1, §11-6L-2, §11-6L-3, §11-6L-4, §11-6L-5, §11-6L-6 and §11-6L-7; and to amend said code by adding thereto a new article, designated §11-21A-1, §11-21A-2, §11-21A-3, §11-21A-4, §11-21A-5, §11-21A-6, §11-21A-7, §11-21A-8, §11-21A-9, §11-21A-10, §11-21A-11, §11-21A-12, §11-21A-13, §11-21A-14, §11-21A-15, §11-21A-16, §11-21A-17 and §11-21A-18, all relating generally to economic development and job creation; creating the West Virginia Project Launch Pad Act; providing short title; providing legislative purpose and finding; defining certain terms; providing criteria for establishment of West Virginia project launchpads by Governor; allowing county commissions and county councils to apply for launchpad designations; providing for form and content of applications; specifying process for review of applications and criteria for designating geographic areas as

launchpads and for expansion and decertification of launchpads; providing economic benefits for businesses locating or expanding in launchpads including state and local tax relief and other economic benefits; prohibiting qualified businesses in a launchpad from employing illegal aliens, engaging in illegal activity and being delinquent in payment of state and local taxes; permitting transfer of economic benefits to successor businesses; requiring qualified business to comply with applicable zoning laws and state and local building and other codes; providing for recapture of taxes and other economic benefits under specified circumstances; promulgation of rules; imposing civil and criminal penalties for noncompliance; providing rules of application and construction; requiring periodic reports to Governor and Legislature; providing for severability and expiration; providing a special method for appraising property in launchpad for economic development; providing short title; defining certain terms; providing method of valuation of launchpad property; providing for initial determination of value by assessor and for protest and appeals; requiring periodic reports to Governor and Legislature and specifying effective dates; creating the Promoting West Virginia Employment Act; providing short title and scope of article; defining certain terms; providing qualification for benefits; specifying benefits upon application and review; specifying annual cap on benefits; providing for recapture of benefits; providing for administration and enforcement of article including issuance of regulations; requiring periodic reports to Governor and Legislature; and specifying effective dates.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

Senators Jenkins, Unger, Kessler (Mr. President), D. Hall, Stollings, Plymale and Williams offered the following resolution:

Senate Resolution No. 32—Recognizing the Huntington Prep basketball team for its outstanding accomplishments on the basketball court and excellence in the classroom.

Whereas, Huntington Prep is a private basketball program that attracts elite high school student-athletes from around the world; and

Whereas, Under the leadership of Coach Rob Fulford, a native of Mullens, West Virginia, Huntington Prep has compiled a record of 109 wins to only 13 losses during the last four years, and has established itself as one of the elite basketball prep programs in the country; and

Whereas, Over the past four years, Huntington Prep has helped twenty-five players, including eight seniors this year, receive full athletic scholarships totaling over \$2 million; and

Whereas, Huntington Prep has had twelve McDonald's All-American nominees, was the 2012-2013 preseason #1 ranked team in the nation by both *USA Today* and Max Preps, and has maintained a national top 10 ranking throughout the year; and

Whereas, Huntington Prep has had two games televised nationally by ESPN this year, and will also be covered nationally by the network during the National High School Invitational April 4-6, 2013; and

Whereas, Huntington Prep players are full-time students at St. Joseph Central Catholic High School in Huntington, West Virginia, where they are awarded with a first-class, private education; and

Whereas, For all of their success on the basketball court, Huntington Prep players also excel in the classroom with a combined team grade point average of 3.31, and with two players maintaining a 4.0 for the year; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Huntington Prep basketball team for its outstanding accomplishments on the basketball court and excellence in the classroom; and, be it

Further Resolved, That the Senate acknowledges the hard work and dedication of each coach and player on the Huntington Prep team and wishes each of them well on a bright future ahead; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Huntington Prep basketball team.

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

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

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

Senators Plymale, Unger, Kessler (Mr. President), Jenkins, Stollings and Williams offered the following resolution:

Senate Resolution No. 33—Congratulating the Cabell Midland High School Boys' Cross Country Team for winning the 2013 Class AAA State Championship.

Whereas, The Cabell Midland Boys' Cross Country Team had an extraordinary 2013 season, en route to winning its eighth State Championship; and

Whereas, The Cabell Midland High School Boys' Cross Country Team is coached by Chris Parsons and consists of members Nick Adams, Jacob Burcham, Avery Campbell, Niles Dailey, Jacob Dillinger, Mason Dino, Ryan Dotson, David Jobe, Jared King, Brian Lawhon, Jeremy Waugh, Hunter Adkins, Brock Herrenkohl, Seth Myers, Amos Parlock, Luke Short, Eric Wooten, Brandon Adams, Anthony Alexander, Michael Ashworth, Brandon Atkinson, Grant Briers, Jeremy Cooper, Ethan Copley, Nick Crouch, Nick Dave, Nathanael Edmunds, Austin Jarrell, Keaton Kaplan, Nick Molina,

Jacob Whitmore, Brock Bellomy, Mason Bills, Coleton Carter, Jeremiah Parlock, Nick Salmons, Will Sheils, Andrew Short and Adam Whitmore; and

Whereas, In addition to the team's success, Jacob Burcham was the individual state champion and is the most decorated distance runner in West Virginia high school history; and

Whereas, The Cabell Midland High School Boys' Cross Country Team displayed their strong will and determination for an entire season and are a shining example of what can be accomplished with hard work, dedication and spirit; and

Whereas, The Cabell Midland High School Boys' Cross Country Team will be remembered as one of the best teams ever assembled in West Virginia high school cross country history; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Cabell Midland High School Boys' Cross Country Team for winning the 2013 Class AAA State Championship; and, be it

Further Resolved, That the Senate acknowledges the hard work and dedication of each coach and team member on the Cabell Midland High School Boys' Cross Country Team and wishes each of them well on a bright future ahead; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Cabell Midland High School Boys' Cross Country Team.

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

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

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

Senators Beach, Unger, Kessler (Mr. President), Jenkins, Stollings, Plymale, Williams and Palumbo offered the following resolution:

Senate Resolution No. 34—Recognizing West Virginia truck drivers for excellence, professionalism and safety in truck driving.

Whereas, Truck driving championships are considered one of the industry's largest and most effective safety programs; and

Whereas, Each driver has a chance to demonstrate his or her driving and inspection skills, knowledge and professionalism through a series of tests including a written examination, pretrip inspection test and finally, the most visible, the skills test; and

Whereas, Ten truck drivers represented the State of West Virginia at the National Truck Driving Championships in Minneapolis, Minnesota; and

Whereas, John Hodges, a professional truck driver from Hurricane, West Virginia, was awarded the 2012 Grand Champion Award. Hodges, a UPS Freight driver, also took first place in 3-Axle Semi-trailer; James Priddy, a professional truck driver for FedEx Freight, from Charleston, West Virginia, took first place in 4-Axle Tractor Semi-trailer; Tim Hodges, a professional truck driver for UPS Freight, from Hurricane, West Virginia, took first place in 5-Axle Van; Clarence Jenkins, Jr., a professional truck driver for UPS Freight, from Poca, West Virginia, took first place in 5-Axle Tank; John Gibson, a professional truck driver for ABF Freight Systems, from Scott Depot, West Virginia, took first place in 5-Axle Tank; Kenneth Grimmett, a professional truck driver for Con-Way Freight, from Fayetteville, West Virginia, took first place in 5-Axle Flatbed; Richard Spaur, a professional truck driver for Con-Way Freight, from Parkersburg, West Virginia, took first place in Twins;

Steve Looney, a professional truck driver for Petroleum Transport Inc., from St. Albans, West Virginia, took first place in Sleeper; Tim Bailey, Jr., a professional truck driver for UPS, from Salem, West Virginia, took first place in Step Van; and Eric Johnson, a professional truck driver for FedEx Freight, from Sistersville, West Virginia, was named Rookie of the Year; and

Whereas, The National Truck Driving Championships represent the best of the best in truck driving, and these ten West Virginia truck drivers proved to the rest of the country that they are the best, something all West Virginians can be proud of; and

Whereas, These ten professional truck drivers have driven a combined eighteen million accident-free miles and have over 216 years behind the wheel; and

Whereas, There are more than 3.1 million professional truck drivers nationwide and over 34,480 truck drivers in the State of West Virginia; and

Whereas, The trucking industry plays a critical role in West Virginia's economy by transporting over sixty-seven percent of its manufactured freight tonnage throughout the state and the nation; and

Whereas, Citizens in over eighty-four percent of West Virginia communities depend exclusively on the dedicated service of professional truck drivers to keep the shelves of our local supermarkets fully stocked, to deliver medicine and medical supplies to hospitals and clinics and to deliver goods at every stage of production; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes West Virginia truck drivers for excellence, professionalism and safety in truck driving; and, be it

Further Resolved, That the Senate commends the excellence in truck driving demonstrated by the ten truck drivers who won first place in their class at the National Truck Driving Championships; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Truck Driving Champions.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

Senate Concurrent Resolution No. 19, Requesting DOH name bridge in Kanawha County “U. S. Army Sgt. Archie W. Searls Memorial Bridge”.

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

Senate Concurrent Resolution No. 20, Requesting DOH name portion of State Route 80 in McDowell County “Army PFC Phill G. McDonald Medal of Honor Recipient Memorial Highway”.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 200, Relating to Eyewitness Identification Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 200) passed with its title.

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

Eng. Com. Sub. for Senate Bill No. 372, Creating criminal offense for interfering with emergency service call.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 372) passed with its title.

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill No. 159, Creating Uniform Real Property Transfer on Death Act.

Senate Bill No. 368, Clarifying certain criminal conviction constitutes basis for voiding marriage.

Senate Bill No. 383, Authorizing family court judges appoint counsel in certain contempt cases.

And,

Com. Sub. for Senate Bill No. 427, Clarifying requirements for certain motor vehicle searches.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Stollings.

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Thursday, March 14, 2013, at 11 a.m.

THURSDAY, MARCH 14, 2013

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Zachery Arrowood, Chaplain, Hospice of Huntington, Huntington, West Virginia.

Pending the reading of the Journal of Wednesday, March 13, 2013,

On motion of Senator M. Hall, the Journal was approved and the further reading thereof dispensed with.

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

Senator Kessler (Mr. President) presented a communication from the Department of Environmental Protection, submitting its Impoundment and Pit Safety Study report as required by chapter twenty-two, article six-a, section twenty-three of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Senate proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2397—A Bill to amend and reenact §3-10-7 and §3-10-8 of the Code of West Virginia, 1931, as amended, all relating to authorizing a county commission to temporarily fill vacancies in the offices of the clerk of the county commission, prosecuting attorney, sheriff, assessor and county surveyor; restricting persons appointed as temporary successors to serving no more than sixty days as a temporary successor; and permitting a temporary successor to be appointed to fill the unexpired term.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2414—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-18a, relating to the lease or conveyance of municipal property; allowing for the lease or conveyance of municipal property for less than fair market value without auction to a nonprofit corporation for the provision of specific services to the public; prerequisite conditions and findings by municipality; and required reverter of the property to the municipality if the nonprofit corporation ceases to provide the services.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2729—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22c, relating to allowing schools to voluntarily maintain and use epinephrine auto-injectors; providing for the

administration of an auto-injector by a school nurse or other trained and authorized nonmedical school personnel for emergency care or treatment of anaphylactic reactions; allowing the issuance of standing orders and protocols by physicians to schools to obtain epinephrine auto-injectors; setting forth notice requirements; allowing students who self-inject to use the school supply of epinephrine auto-injectors; setting forth immunity from liability for school nurses and trained and authorized nonmedical school personnel; allowing county school boards to participate in free or discounted manufacturer sponsored pharmaceutical programs to obtain epinephrine auto-injectors; providing for data collection and reporting requirements; and setting forth rule-making authority to effectuate the provisions of the section.

Referred to the Committee on Health and Human Resources; and then to the Committee on Education.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2747—A Bill to amend and reenact §6-9A-2 and §6-9A-3 of the Code of West Virginia, 1931, as amended, all relating to public notice of meetings of governing bodies of public agencies; defining terms; clarifying existing notice requirements; requiring state executive branch agencies to electronically file public meeting notices with the Secretary of State for publication on Secretary of State’s website; eliminating the requirement that state executive branch agency meeting notices be filed in the State Register; and providing procedural rule-making authority.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 118, Creating I Support Veterans license plate.

And,

Senate Bill No. 190, Relating to public-private transportation projects funding.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Robert D. Beach,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Finance.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 158, Creating Complete Streets Act.

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

Com. Sub. for Senate Bill No. 158 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-4A-1, §17-4A-2 and §17-4A-3, all relating to creation of the Complete Streets Act; adopting a complete streets policy applicable to all streets, roads and highways and other transportation infrastructure facilities under the jurisdiction of the Commissioner of Highways; providing for model complete streets policies for use by counties and municipalities; creating a Complete Streets Advisory Board; providing for reimbursement of mileage expenses of board members; and requiring annual reports.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill (Com. Sub. for S. B. No. 158), under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Williams, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill No. 182, Lowering available tax credit amount for film industry.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Bob Williams,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill No. 183, Updating terms in Corporation Net Income Tax Act.

Senate Bill No. 208, Making supplementary appropriation from State Fund, General Revenue, to Department of Commerce, Division of Labor, and DHHR, Division of Human Services.

And,

Senate Bill No. 446, Conforming motor fuel taxes with International Fuel Tax Agreement.

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

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Williams, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill No. 187, Creating Jobs Impact Statement Act.

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

Com. Sub. for Senate Bill No. 187 (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5 and §5B-2I-6, all relating to creating the Jobs Impact Statement Act; requiring that the West Virginia Development Office prepare a jobs impact statement when requested by the Governor or a majority of certain leaders of either house of the Legislature for certain proposed legislation; outlining the contents of the jobs impact statement; providing that this article does not affect the validity of legislation, restrict consideration of pending legislation or otherwise alter, amend or invalidate any rule of the Senate, the House of Delegates or joint rules of the Senate and House of Delegates; and describing the manner in which copies of the jobs impact statement shall be made available.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Bob Williams,
Chair.

The bill (Com. Sub. for S. B. No. 187), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill No. 258, Authorizing DHHR promulgate legislative rule relating to chronic pain management clinic licensure.

With an amendment from the Committee on Health and Human Resources pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Health and Human Resources to which the bill was first referred; but under the original triple committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

The bill, under the original triple committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Health and Human Resources pending.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 324, Allowing boards licensing persons engaging in manufacture, distribution or dispensing controlled substances set fees by legislative rule.

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

Com. Sub. for Senate Bill No. 324 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-5-1a and §30-5-16 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §30-5-16c; to amend and reenact §60A-3-301 of said code; and to amend said code by adding thereto a new section, designated §60A-3-301a, all relating to permits for manufacturing, making, producing, packing, packaging or preparing drugs, medicines, toilet articles, dentifrices and cosmetics and registration of practitioners dispensing controlled substances; modifying fees associated with the permits; granting rule-making authority to the Board of Pharmacy to establish a fee schedule for obtaining and maintaining the permit; providing that statutory fee schedule will remain in effect until amended, modified, repealed or replaced by legislative rule; clarifying disciplinary action that may be taken if condition or rule relating to permit is violated; modifying registration fees for practitioners dispensing controlled substances; granting rule-making authority to boards, departments and agencies that license or register practitioners dispensing controlled substances; and providing that statutory fee schedule for registering practitioners dispensing controlled substances will remain in effect until amended, modified, repealed or replaced by legislative rule.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

The bill (Com. Sub. for S. B. No. 324), under the original double committee reference, was then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 331, Permitting Courthouse Facilities Improvement Authority to issue bonds.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on Government Organization pending.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Com. Sub. for Senate Bill No. 358, Relating to municipal policemen and firemen pensions.

And has amended same.

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

Respectfully submitted,

Herb Snyder,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 359, Relating generally to reforming public education.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 13, 2013;

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

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 359) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a second time and ordered to engrossment and third reading.

Senator Kirkendoll, from the Committee on Interstate Cooperation, submitted the following report, which was received:

Your Committee on Interstate Cooperation has had under consideration

Senate Bill No. 426, Relating to filings under Uniform Commercial Code.

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

Com. Sub. for Senate Bill No. 426 (originating in the Committee on Interstate Cooperation)—A Bill to amend and reenact §46-9-510, §46-9-516 and §46-9-521 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §46-9-516a, all relating to amending the Uniform Commercial Code as to secured transactions; providing for the effectiveness of filed records; creating additional authority to refuse to accept a record for filing; creating circumstances under which a record filing is false; providing criminal penalties for filing or attempting to file a false record; providing civil penalties for filing or attempting to file a false record; setting forth an administrative procedure initiated by the Secretary of State or a person identified as a debtor on a record; requiring party to an adverse administrative decision by the Secretary of State to file action in Kanawha County Circuit Court if the party wishes to have the Secretary of State's decision reversed; exempting the filing office and its employees from liability; exempting filings by a regulated financial institution or its representatives from certain provisions; and clarifying the applicability of provisions to records filed prior to the effective date of this article.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Art Kirkendoll,
Chair.

The bill (Com. Sub. for S. B. No. 426), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 445, Allowing Tax Commissioner divert lottery prizes to offset tax liabilities of lottery winners.

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

Com. Sub. for Senate Bill No. 445 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-5bb, relating to the collection of taxes; requiring the Lottery Commission to offset certain lottery prizes against the state tax liabilities of the prize winner; providing limitations period; and authorizing an agreement between the Tax Department and the Lottery Commission for the purpose of establishing collection procedures.

And,

Senate Bill No. 482, Relating to sale of voter registration lists.

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

Com. Sub. for Senate Bill No. 482 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-2-30 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §59-1-2b, all relating to the preparation and sale of voter registration lists; exempting

certain voter data from being provided; clarifying that records are to be kept in electronic form; permitting certain voter lists be obtained for noncommercial purposes from the clerk of the county commission or the Secretary of State; providing certain exemptions allowing the Secretary of State to provide voter information to others; setting forth the fees to be charged for the sale of voter registration lists; setting forth the types of lists and services that are available; requiring the net proceeds from the voter registration list sales be deposited in the State Election Fund; and clarifying that the Secretary of State may share voter information with those authorized to receive the information.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

The bills (Com. Sub. for S. B. Nos. 445 and 482), under the original double committee references, were then referred to the Committee on Finance.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 448, Increasing number of demonstration dealer plates issued to large commercial vehicle dealers.

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

Com. Sub. for Senate Bill No. 448 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-6-10c of the Code of West Virginia, 1931, as amended, relating to authorizing the commissioner to issue no more than ten additional special demonstration plates, upon a showing of need, to new and used motor vehicle dealers engaged in the business of selling trailers, truck-tractors, road-tractors or trucks and that demonstrate the motor vehicles under actual work conditions to potential purchasers; and setting fee amount for additional plates.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill (Com. Sub. for S. B. No. 448), under the original double committee reference, was then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Concurrent Resolution No. 7, Designating Hall Flintlock Model 1819 official state firearm.

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

Respectfully submitted,

Herb Snyder,
Chair.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills and joint resolution were introduced, read by their titles, and referred to the appropriate committees:

By Senators Laird, Palumbo, Kirkendoll, Cookman, Stollings, Kessler (Mr. President), Snyder, Cann, Plymale, Williams, Miller and Chafin:

Senate Bill No. 521—A Bill to amend and reenact §17B-3-3c and §17B-3-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17B-3-9a, all relating to creating an amnesty program for certain persons with suspended licenses to allow reinstatement; establishing a time period and certain procedures for the amnesty program; creating exceptions to the amnesty period; making certain technical corrections; requiring certain tickets amnestied remain listed as unsatisfied on court records; requiring certain suspension or revocation time remaining be waived in certain situations; requiring a public awareness campaign regarding the amnesty program; and providing for rule-making authority.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senators Laird, Palumbo, Kirkendoll, Cookman, Cann, Snyder and Fitzsimmons:

Senate Bill No. 522—A Bill to amend and reenact §8-10-2a and §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §8-11-1 and §8-11-1a of said code; and to amend and reenact §50-3-2a of said code, all relating to the collection and processing of court costs, fines, forfeitures, penalties and collateral

consequences of nonpayment or failure to appear; requiring certain collection processes occur after an appeal has concluded; reducing certain time requirements for notification to the Division of Motor Vehicles; requiring notice between thirty and ninety days to the Division of Motor Vehicles for failure to appear in certain situations and stipulating the subsequent suspension lasts until the citation is resolved satisfactorily; permitting tax refund withholding if certain amounts remain unpaid for a year or persons fail to appear for a year to municipal court; and providing for a fee on all municipal offenses to be paid to the Regional Jail and Correctional Facility Authority Fund and municipal administrative costs.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 523—A Bill making a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2013, to the Governor's Office, Minority Affairs Fund, fund 1058, fiscal year 2013, organization 0100, to the Department of Education and the Arts, State Board of Rehabilitation - Division of Rehabilitation Services - West Virginia Rehabilitation Center - Special Account, fund 8664, fiscal year 2013, organization 0932, to the Department of Health and Human Resources, Division of Health - Hospital Services Revenue Account, Special Fund, Capital Improvements, Renovation and Operations, fund 5156, fiscal year 2013, organization 0506, to the Department of Health and Human Resources, Division of Health - Lead Abatement Account, fund 5204, fiscal year 2013, organization 0506, to the Department of Revenue, Municipal Bond Commission, fund 7253, fiscal year 2013, organization 0706, to the Department of Transportation, Public Port Authority - Special Railroad and Intermodal Enhancement Fund, fund 8254, fiscal year 2013, organization 0806, to the Miscellaneous Boards and Commissions, WV Board of Examiners for Registered Professional Nurses, fund 8520, fiscal year 2013, organization 0907, and to the

Miscellaneous Boards and Commissions, WV Board of Licensed Dietitians, fund 8680, fiscal year 2013, organization 0936, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 524–A Bill supplementing, amending, decreasing and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2013, organization 0803, for the fiscal year ending June 30, 2013.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 525–A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2013, to the Department of Administration, Children's Health Insurance Agency, fund 8838, fiscal year 2013, organization 0230, to the Department of Commerce, Division of Miners' Health, Safety and Training, fund 8709, fiscal year 2013, organization 0314, to the Department of Education, State Department of Education, fund 8712, fiscal year 2013, organization 0402, to the Department of Education and the Arts, Division of Culture and History, fund 8718, fiscal year 2013, organization 0432, to the Department of Health and Human Resources, Division of Health, Central Office, fund 8802, fiscal year 2013, organization 0506, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2013, organization 0511, to the Department of Military Affairs and Public Safety, West Virginia State Police, fund 8741, fiscal year 2013, organization 0612, to the Department of Revenue, Insurance Commissioner, fund 8883, fiscal year

2013, organization 0704, and to Miscellaneous Boards and Commissions, Coal Heritage Highway Authority, fund 8861, fiscal year 2013, organization 0942, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 526—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2013, to the Department of Health and Human Resources, Division of Human Services - Temporary Assistance for Needy Families, fund 8816, fiscal year 2013, organization 0511, by supplementing and amending the appropriation for the fiscal year ending June 30, 2013.

Referred to the Committee on Finance.

By Senators Palumbo, Cann and McCabe:

Senate Bill No. 527—A Bill to repeal §3-10-4a of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-10-1, §3-10-2, §3-10-3, §3-10-4, §3-10-5, §3-10-6, §3-10-7 and §3-10-8 of said code, all relating to filling vacancies in elected offices; defining terms; setting procedures for appointing persons to fill certain vacancies; listing time periods and certain offices where elections must be held to fill certain vacancies; setting special requirements for filling vacancies in certain offices; setting procedures for certain special elections; creating method for filling certain vacancies without a primary election; setting requirements for special filing periods, where necessary; requiring certain notice be given regarding elections to fill vacancies; providing for payment of costs if a new election is necessary; allowing nomination of certain persons without party affiliation; allowing emergency orders by the Secretary of State in certain circumstances; removing and repealing certain language relating to previous elections;

clarifying method used to fill vacancies in the Office of Governor; adjusting method to fill vacancies in certain statewide, legislative and judicial offices such that the timing for all are consistent; requiring most elections to fill vacancies be held in conjunction with regularly scheduled elections; clarifying method used to fill vacancies in certain county offices; permitting vacancies in certain county offices to be filled by temporary replacements for no more than thirty days; and updating language regarding filling vacancies in elected offices.

Referred to the Committee on the Judiciary.

By Senators McCabe, Cann, Edgell, Miller, Palumbo, Tucker, Walters, Wells, Kessler (Mr. President) and Williams:

Senate Bill No. 528—A Bill to amend and reenact §18-9A-11 of the Code of West Virginia, 1931, as amended, relating to computing local share of public education support; finding the benefit of public libraries as a part of the system of public education; and providing for equal treatment of county boards of education in funding public libraries as a part of the system of public education.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Kirkendoll, Cann and Tucker:

Senate Bill No. 529—A Bill to amend and reenact §7-7-7 of the Code of West Virginia, 1931, as amended, relating to granting county commissions advice and consent authority with respect to the discharge of county employees.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Kirkendoll, Cann, Jenkins, Tucker, Stollings and McCabe:

Senate Bill No. 530—A Bill to amend and reenact §50-3-1 of the Code of West Virginia, 1931, as amended; and to amend and

reenact §59-1-11 of said code, all relating to authorizing circuit and magistrate courts to collect a fee of \$50 for each criminal case in which surety is required, the funds to be deposited into the county General Revenue Fund to be used to offset regional jail costs.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Kirkendoll, Cann, D. Hall, Tucker, Chafin and Fitzsimmons:

Senate Bill No. 531—A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Walters, Chafin and Fitzsimmons:

Senate Bill No. 532—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-10-9, relating to prohibiting corporations that contractually engage in predispute binding arbitration with residents and citizens of the State of West Virginia from receiving state funding, state contracts or state purchasing agreements.

Referred to the Committee on the Judiciary.

By Senators Miller, Jenkins, Palumbo and Wells:

Senate Bill No. 533—A Bill to amend and reenact §61-2-9 and §61-2-28 of the Code of West Virginia, 1931, as amended, all relating generally to crimes against the person; and modifying the definitions of “battery” and “domestic battery” to conform with federal laws.

Referred to the Committee on the Judiciary.

By Senator Palumbo:

Senate Bill No. 534—A Bill to amend and reenact §33-6F-2 of the Code of West Virginia, 1931, as amended, relating to correcting an internal reference of the code with regard to insurance information disclosure which is supposed to make clear that providing the required information is not a violation of the insurer's responsibility to maintain the confidentiality of consumer financial and health information.

Referred to the Committee on the Judiciary.

By Senators Palumbo, Wells, McCabe and Fitzsimmons:

Senate Bill No. 535—A Bill to repeal §3-2-24 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1-3 of said code; and to amend and reenact §3-2-2, §3-2-4a, §3-2-18, §3-2-19, §3-2-21, §3-2-23, §3-2-25 and §3-2-29 of said code, all relating to the maintenance of voter registration lists and related records; making technical corrections and deleting obsolete references; updating and clarifying the persons entitled to vote; clarifying when a person under the age of eighteen may vote in a primary election; updating the processes and responsibilities for statewide voter registration and clarifying county and state roles in the voter registration process; updating the processes of maintaining voter registration records; clarifying county roles in maintaining voter registration files for municipal elections; updating processes for the maintenance of records in the statewide voter registration database; updating processes for cancellation of deceased or ineligible voters' registrations; clarifying county and state roles in the systematic purging program for removal of ineligible voters from active voter registration records; and clarifying custody of paper and electronic voter registration records.

Referred to the Committee on the Judiciary.

By Senators Blair, Barnes, Carmichael, Cole, M. Hall, Nohe and Walters:

Senate Bill No. 536—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 governmental ethics; prohibiting public officials and employees from using public funds for self promotion; prohibiting knowingly and intentionally placing the names or likenesses of public officials and employees on trinkets; prohibiting knowingly and intentionally placing the names or likenesses of public officials and employees on certain publically financed advertising during an election period; and defining terms.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Plymale, Jenkins, D. Hall, Unger, Cann, McCabe and Chafin:

Senate Bill No. 537—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-1-23, relating to establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects; setting forth the general structure of fund and distribution of funds; and providing for rulemaking.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Palumbo, Laird, Miller and Fitzsimmons:

Senate Bill No. 538—A Bill to amend and reenact §48-27-601 of the Code of West Virginia, 1931, as amended, relating to disposition of domestic violence orders; and filing orders with the domestic violence database rather than law enforcement maintaining a confidential file.

Referred to the Committee on the Judiciary.

By Senators Unger, Snyder, Cookman, Miller and Laird:

Senate Joint Resolution No. 8—Proposing an amendment to the Constitution of the State of West Virginia, amending section two,

article XII thereof, relating to election of State Board of Education members; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

Senators Kirkendoll, Stollings, Unger and Plymale offered the following resolution:

Senate Concurrent Resolution No. 21—Requesting the Division of Highways to name bridge number 23-119-18.13, on Route 119 in Logan County, the “Navy Lieutenant, Junior Grade, Edsel Carl Varney Memorial Bridge”.

Whereas, Lieutenant Varney was born on January 25, 1922, and passed away on May 6, 1977; and

Whereas, Lieutenant Varney graduated from Chapmanville High School in 1941; and

Whereas, Lieutenant Varney enlisted in the United States Naval Reserves on November 5, 1942, under the V-5 Naval Aviation Cadet Program, entering active service on February 11, 1943, and was officially released from active duty on November 7, 1945; and

Whereas, Lieutenant Varney flew twenty-one missions during the Iwo Jima operations, including almost seventy hours of combat time with twenty-two carrier landings on the Makin Island; and

Whereas, Lieutenant Varney flew thirty-one missions during the Okinawa operations, including almost one hundred and fourteen hours of combat time with thirty carrier landings, all but one on the Makin Island while the last one during combat operations was on the Savo Island; and

Whereas, Lieutenant Varney had forty-three total catapults and seventy-eight carrier landings on five carriers: The USS Sable, the USS Saratoga, the USS Bataan, the USS Makin Island and the USS Savo Island; and

Whereas, Lieutenant Varney was awarded the Distinguished Flying Cross, Air Medal, multiple Gold Stars, American Campaign Medal, Asiatic and Pacific Campaign Medal, WW II Victory Medal, Philippine Presidential Unit Citation and Philippine Liberation Medal; and

Whereas, Lieutenant Varney married Aleen “Pat” Williamson on November 8, 1947, raised five children and had eight grandchildren and six great grandchildren; and

Whereas, Following his service in the Navy, Lieutenant Varney was a pilot instructor and at one point all state troopers in Logan knew how to fly; and

Whereas, Lieutenant Varney was a PTA President, was very involved with his children and their activities and was the high school band president while his children were in the band and raised money for uniforms and instruments; and

Whereas, When returning home from several days of work Lieutenant Varney would fly his plane low near his house, so that his children would know that he would be home very shortly; and

Whereas, Lieutenant Varney was a Mason and spearheaded the project to get an airport in Logan; and

Whereas, It is fitting to honor Lieutenant Varney for his commitment, dedication and service to his country and his state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-119-18.13, on Route 119 in Logan County, the “Navy Lieutenant, Junior Grade, Edsel Carl Varney Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Navy Lieutenant, Junior Grade, Edsel Carl Varney 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 Secretary of the Department of Transportation and the family of Lieutenant Edsel Carl Varney.

Which, under the rules, lies over one day.

Senators Palumbo, D. Hall, Jenkins, Stollings, Unger, Kessler (Mr. President), Yost, Snyder, Plymale, Wells, McCabe, Williams and Fitzsimmons offered the following resolution:

Senate Resolution No. 35—Designating Thursday, March 14, 2013, as Generation West Virginia Day.

Whereas, Generation West Virginia is the statewide movement committed to cultivating and engaging young talent for West Virginia citizens between the ages of twenty-one to forty-five; and

Whereas, The future of West Virginia relies heavily on the retention, recruitment and advancement of young talent to ensure that our intellectual capital base is strong for the future success of our state’s economy, communities and intellectual infrastructure; and

Whereas, This collaborative and dynamic group of young talent within Generation West Virginia is creating an outstanding positive image within our state and on the national level by serving as a

model for promoting young leaders and making our state a destination for young talent; and

Whereas, Generation West Virginia is an innovative, results-oriented and dedicated organization that represents young talent from all walks of life, careers and communities, all of whom are committed to a positive and strong present and future for our great state; and

Whereas, Those twenty-one to forty-five years of age in West Virginia include more than 600,000 of our state's population and represent our state's future base of workers, dreamers, innovators, educators, entrepreneurs, leaders and, most importantly, our hope for a successful future; and

Whereas, These young leaders are not just the future of our state, but the rising leaders of today who are making it possible for West Virginia to compete successfully with the world; and

Whereas, By working to make our state attractive for young talent, steps are being taken to encourage a "brain gain" for West Virginia that will build a strong future for our state to become a global leader; and

Whereas, The Senate recognizes the importance of this growing movement and will listen to and collaborate with its leadership and regional organizations to develop positive solutions and opportunities to create an abundance of prosperity in our state; therefore, be it

Resolved by the Senate:

That the Senate hereby designates Thursday, March 14, 2013, as Generation West Virginia Day; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the representatives of Generation West Virginia.

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

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

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

Senators Prezioso, Stollings, Unger, Kessler (Mr. President), Plymale, McCabe, Williams and Fitzsimmons offered the following resolution:

Senate Resolution No. 36—Recognizing the Affiliate Program of the High Technology Foundation on Technology Day at the Legislature.

Whereas, The Affiliate Program of the High Technology Foundation, located in Fairmont, West Virginia, is a consortium of companies working in technology or technology support lines of business with a desire to do business in West Virginia; and

Whereas, The mission of the Affiliate Program is to provide support to its members through the coordination of value-added services including technology-based programs, products and services to the global marketplace, to create awareness of the technology sector and to provide all with an understanding of the importance of the sector to the economy; and

Whereas, The ever-growing technology sector in West Virginia developed through the vision and strong leadership of our legislative leaders, who envisioned a more diverse West Virginia economy that could not only withstand economic uncertainty but propel West Virginia into a position of national prominence; and

Whereas, The technology industry in 2011 accounted for 7.3% total employment in the state and 5.05% of total employment in

North Central West Virginia, along with 12.8% of total wages in the state and 7.42% of total wages in North Central West Virginia; and

Whereas, The technology industry in North Central West Virginia has a significant economic impact providing \$1.6 billion of direct output and 6,500 direct jobs and \$392 million of direct employee compensation in 2011; and

Whereas, The technology sector is growing wages, total employment and output at a higher average than the remainder of the West Virginia economy; and

Whereas, The Affiliate Program recognizes the changing economic landscape and challenges facing industry and desires to help its member companies continue to build on the foundation through new and expanded partnerships, growing relationships throughout the state with stakeholders and to develop greater self-sustaining initiatives; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Affiliate Program of the High Technology Foundation on Technology Day at the Legislature; and, be it

Further Resolved, That the Senate acknowledges the contributions of the technology industry to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Affiliate Program of the High Technology Foundation.

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

On motion of Senator Unger the Senate recessed for one minute.

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

Petitions

Senator Plymale presented a petition from the Prichard Community Association and numerous Prichard residents, requesting law-enforcement assistance with juvenile delinquency.

Referred to the Committee on the Judiciary.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 159, Creating Uniform Real Property Transfer on Death Act.

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

Senate Bill No. 368, Clarifying certain criminal conviction constitutes basis for voiding marriage.

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

Senate Bill No. 383, Authorizing family court judges appoint counsel in certain contempt cases.

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

Com. Sub. for Senate Bill No. 427, Clarifying requirements for certain motor vehicle searches.

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

The Senate proceeded to the tenth order of business.

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

Senate Bill No. 108, Creating Unintentional Pharmaceutical Drug Overdose Fatality Review Team.

Com. Sub. for Senate Bill No. 353, Establishing First Informer Broadcasters Act.

Senate Bill No. 412, Relating to removal of elected county conservation district supervisors from office.

And,

Com. Sub. for Senate Bill No. 464, Regulating tanning facilities.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Unger and Prezioso.

Thereafter, at the request of Senator Laird, and by unanimous consent, the remarks by Senator Unger were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Friday, March 15, 2013, at 11 a.m.

FRIDAY, MARCH 15, 2013

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Dewey Lowe, Breckenridge Missionary Baptist Church, Bolt, West Virginia.

Pending the reading of the Journal of Thursday, March 14, 2013,

On motion of Senator Jenkins, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2567—A Bill to amend and reenact §47-9-44 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto two new sections, designated §47-9-10a and §47-9-53a, all relating to limited partnerships; authorizing the Secretary of State to administratively dissolve and reinstate limited partnerships; allowing appeals to the circuit court; and authorizing the Secretary of State to revoke and reinstate certificates of authority of foreign limited partnerships.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 27, Relating to administration of opioid antidote in emergency situations.

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

Com. Sub. for Senate Bill No. 27 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-4C-24, relating generally to allowing State Police, police, sheriffs and fire and emergency service personnel to possess Naloxone or other approved opioid antagonist to administer in opioid drug overdoses; defining terms; providing for training; establishing training requirements for first responders who may administer opioid antagonists; establishing criteria under which a first responder may administer an opioid antagonist; granting immunity to health care providers who prescribe, dispense or distribute Naloxone or other approved opioid antagonist related to a training program; granting immunity to initial responders who administer or fail to administer an opioid antagonist; providing for data gathering and reporting; and authorizing emergency rulemaking.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 28, Relating to minors obtaining tattoos.

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

Com. Sub. for Senate Bill No. 28 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-38-3 and §16-38-7 of the Code of West Virginia, 1931, as amended, all relating to tattoo studio business; prohibiting minors under the age of sixteen from obtaining a tattoo; requiring that a parent or legal guardian be present at the tattoo studio and provide photo identification and written consent for minors sixteen years of age or older; and providing for criminal penalties.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

The bill (Com. Sub. for S. B. No. 28), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 30, Requiring DHHR and Medicaid to provide dental coverage to certain mothers of newborns.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Ron Stollings,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 188, Creating vendor transportation program to transport Medicaid patients.

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

Com. Sub. for Senate Bill No. 188 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §9-2-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §24A-1-3 of said code, all relating generally to creating a vendor transportation program within the Department of Health and Human Resources; providing for nonemergency transport of Medicaid service recipients; setting forth contracting requirements; requiring an annual report on the program to the Legislature; exempting specified motor vehicles from the jurisdiction of the Public Service Commission; subjecting exempted vehicles to

safety and insurance exception requirements of the Public Service Commission; and making technical corrections.

And,

Senate Bill No. 195, Removing tax rate expiration date on eligible acute care hospitals.

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

Com. Sub. for Senate Bill No. 195 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating generally to health care provider taxes; modifying the expiration date for tax rate on eligible acute care hospitals; changing the tax rate on eligible acute care hospitals; and providing for disbursement of any funds remaining in the Eligible Acute Care Provider Enhancement Account.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Ron Stollings,
Chair.

The bills (Com. Sub. for S. B. Nos. 188 and 195), under the original double committee references, were then referred to the Committee on Finance.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 336, Relating to interscholastic athletics concussions and head injuries.

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

Com. Sub. for Senate Bill No. 336 (originating in the Committee on Education)—A Bill to repeal §55-7-19 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2-25a; and to amend and reenact §29-12-5a of said code, all relating to establishing protocols and protections to limit and treat injury to youth athletes and students; making legislative findings with respect to concussions; defining certain terms; requiring certain rules; setting forth certain minimum provisions of rules, including specifying procedure for prior approval; limiting civil liability in certain circumstances; and making certain technical changes.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert H. Plymale,
Chair.

The bill (Com. Sub. for S. B. No. 336), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 391, Transferring Division of Early Care and Education and Head Start State Collaborative to Department of Education and Arts.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Robert H. Plymale,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Government Organization.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 441, Relating to withdrawal of erroneous state tax liens.

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

Respectfully submitted,

Corey Palumbo,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 477, Relating to electronic registration of voters.

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

Com. Sub. for Senate Bill No. 477 (originating in the Committee on the Judiciary)—A Bill to repeal §3-2-24 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-5, §3-2-6, §3-2-7 and §3-2-11 of said code, all relating to electronic registration of voters; repealing outdated code regarding manual voter registration systems; authorizing Secretary of State to promulgate procedures to permit persons to register to vote through a secure electronic voter registration system; providing an exception to address requirements on registration for participants in the address confidentiality program; permitting transmission of electronically stored signatures for registration in certain instances; allowing acceptance of registration with or without an email address; requiring electronic registration be received by close of business on the day of the registration deadline; permitting people to register to vote through approved electronic voter registration systems at certain locations; authorizing the Division of Motor Vehicles to release certain information to the Secretary of State upon notice and consent of the registered voter; and making certain clarifications of current code.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Sypolt, Barnes, Blair, Carmichael, Cole, M. Hall, Nohe, Walters and Williams:

Senate Bill No. 539—A Bill to amend and reenact §48-5-510 of the Code of West Virginia, 1931, as amended; to amend and reenact §48-7-101 of said code; and to amend and reenact §48-8-103 and §48-8-105 of said code, all relating to excluding disability income received by a veteran from the United States Department of Veterans' Affairs for service-related injuries from any calculation used to determine spousal support.

Referred to the Committee on Military; and then to the Committee on the Judiciary.

By Senators Kessler (Mr. President), Edgell, Fitzsimmons, Yost and Beach:

Senate Bill No. 540—A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to permitting the Ohio county commission to levy a special district excise tax; and increasing the Fort Henry economic opportunity development project district from three hundred to five hundred contiguous acres of land.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Laird, Chafin, Green, D. Hall, M. Hall, Kirkendoll, Tucker, Yost, Kessler (Mr. President), Stollings and Plymale:

Senate Bill No. 541—A Bill to amend and reenact §7-7-1 and §7-7-4 of the Code of West Virginia, 1931, as amended, all relating to compensation of elected county officials and county commissioners for each class of county; legislative findings; and authorizing increasing this compensation after July 1, 2013.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Snyder, Kessler (Mr. President), Barnes, Blair, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Kirkendoll, Laird, Miller, Unger and Yost:

Senate Bill No. 542—A Bill to amend and reenact §19-23-13b of the Code of West Virginia, 1931, as amended, relating to restricted races at pari-mutuel thoroughbred horse racetracks; permitting up to two restricted races if there are at least seven single betting interests; permitting a third restricted race if there are at least nine single betting interests; and eliminating a provision concerning if less than seventy-five percent of the restricted races fail to receive enough entries to race.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Snyder and Stollings:

Senate Bill No. 543—A Bill to amend and reenact §30-1A-2 of the Code of West Virginia, 1931, as amended, relating generally to the application for regulation of professional or occupational group; and authorizing the Office of the Legislative Auditor to establish a fee for the application review process.

Referred to the Committee on Government Organization.

By Senators Snyder and Stollings:

Senate Bill No. 544—A Bill to amend and reenact §4-10-8 of the Code of West Virginia, 1931, as amended, relating to the schedule of departments for agency review.

Referred to the Committee on Government Organization.

By Senators Facemire, Edgell, Green, Kirkendoll, Snyder, Tucker, Kessler (Mr. President) and D. Hall:

Senate Bill No. 545—A Bill to amend and reenact §3-8-10 of the Code of West Virginia, 1931, as amended, relating to regulation and control of elections; use of certain contributions; and authorizing

the use of excess contributions by the candidate to pay back any loans or debts from previous campaigns.

Referred to the Committee on the Judiciary.

By Senators Green, Unger, Williams, D. Hall and Beach:

Senate Bill No. 546—A Bill to amend and reenact §18-2-4 of the Code of West Virginia, 1931, as amended, relating to requiring the appointment of the State Superintendent of Schools be with the advice and consent of the Senate.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

By Senator Barnes:

Senate Bill No. 547—A Bill to amend and reenact §50-3-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §59-1-11 of said code, all relating to authorizing circuit and magistrate courts to collect a fee of \$50 for each criminal case in which surety is required, the funds to be deposited into the county General Revenue Fund to be used to offset regional jail costs.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Barnes:

Senate Bill No. 548—A Bill to amend and reenact §7-7-7 of the Code of West Virginia, 1931, as amended, relating to permitting county commissions to consult with county officials before county employees may be discharged from employment.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Barnes, Blair, Boley, Sypolt and Carmichael:

Senate Bill No. 549—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17B-

7-1, relating to providing that West Virginia will not participate in the REAL ID Act of 2005 enacted by the United States Congress in Public Law 109-13.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.

By Senators Cole, Fitzsimmons, D. Hall, Kirkendoll, Miller, Nohe, Walters, Kessler (Mr. President) and Unger:

Senate Bill No. 550—A Bill to amend and reenact §11-1C-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-1C-5c, all relating to the valuation of motor vehicles for purposes of ad valorem property taxes; requiring antique motor vehicles not used for general transportation to be assigned an appraised value of \$5,000; and requiring the assessed value for all motor vehicles to be at least \$420.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

Senators Cann, Kessler (Mr. President), Stollings, Unger, Williams, McCabe, D. Hall, Prezioso and Plymale offered the following resolution:

Senate Resolution No. 37—Congratulating the West Virginia Golf Association on the occasion of its one hundredth anniversary.

Whereas, The West Virginia Golf Association was founded on October 10, 1913, at the Fairmont Field Club through the leadership of the Honorable FH McGregor of Parkersburg; and

Whereas, The founding clubs of the West Virginia Golf Association include Wheeling, Fairmont, Clarksburg, Charleston, Huntington and Parkersburg; and

Whereas, The West Virginia Golf Association aspires to maintain the tradition and spirit of the game of golf, and to ensure that all of its tournaments and events are pleasurable and rewarding for all involved; and

Whereas, The West Virginia Golf Association encourages participation in the game of golf by hosting regular events for men, women, seniors and youth; and

Whereas, The West Virginia Amateur has been held almost every year since 1913, with the exception of the years coinciding with World Wars I and II, showcasing West Virginia's best golfers who play for the love of the game, not financial gain; and

Whereas, Huntington native William C. Campbell won fifteen West Virginia Amateur titles and later served as President of the United States Golf Association and as Captain of the Royal and Ancient Golf Club of St. Andrews, the only person to ever hold both positions. Campbell, a former House of Delegates member (1949-50) and one of the most distinguished amateurs in golf history, serves as the inspiration for the West Virginia Golf Association's logo; and

Whereas, The West Virginia Open is held annually and pits West Virginia Golf Association members against each other, amateur and professional alike, to vie for the title of best golfer in the state; and

Whereas, Legendary golf great Sam Snead began his illustrious career on West Virginia's links, securing his first of seventeen West Virginia Open victories in 1936 at the Guyan Country Club in Huntington; first prize was \$150.00. Snead was later inducted into the World Golf Hall of Fame in 1974, received the PGA Tour Lifetime Achievement Award in 1998 and was in the first class of inductees into the West Virginia Golf Hall of Fame, along with William C. Campbell; and

Whereas, The West Virginia Golf Association continues to foster the game of golf with our state's youth, awarding nearly \$90,000 in scholarships to more than eighty West Virginia students who attend college; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the West Virginia Golf Association on the occasion of its one hundredth anniversary; and, be it

Further Resolved, That the Senate commends the West Virginia Golf Association for upholding the traditions of the game of golf and for providing opportunities for men and women of all ages to experience its pleasures, challenges and historical significance; and, be it

Further Resolved, That the Clerk is hereby requested to forward a copy of this resolution to the West Virginia Golf Association.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

Senate Concurrent Resolution No. 7, Designating Hall Flintlock Model 1819 official state firearm.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

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

Thereafter, at the request of Senator Snyder, and by unanimous consent, the remarks by Senator Unger regarding the adoption of Senate Concurrent Resolution No. 7 were ordered printed in the Appendix to the Journal.

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

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

Senate Concurrent Resolution No. 21, Requesting DOH name bridge in Logan County “Navy Lieutenant, Junior Grade, Edsel Carl Varney Memorial Bridge”.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 159, Creating Uniform Real Property Transfer on Death Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 159) passed with its title.

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

Eng. Com. Sub. for Senate Bill No. 359, Relating generally to reforming public education.

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

At the request of Senator Unger, unanimous consent being granted, further consideration of the bill was deferred until the conclusion of bills on today's first reading calendar.

Eng. Senate Bill No. 368, Clarifying certain criminal conviction constitutes basis for voiding marriage.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 368) passed with its title.

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

Eng. Senate Bill No. 383, Authorizing family court judges appoint counsel in certain contempt cases.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 383) passed.

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

Eng. Senate Bill No. 383—A Bill to amend and reenact §29-21-9 and §29-21-20 of the Code of West Virginia, 1931, as amended, all relating to authorizing family court judges to appoint counsel in contempt cases when jail commitment is possible; and providing immunity to an attorney appointed by family court judges.

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

Eng. Com. Sub. for Senate Bill No. 427, Clarifying requirements for certain motor vehicle searches.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 427) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 427) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Senate Bill No. 108, Creating Unintentional Pharmaceutical Drug Overdose Fatality Review Team.

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

Com. Sub. for Senate Bill No. 353, Establishing First Informer Broadcasters Act.

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

Senate Bill No. 412, Relating to removal of elected county conservation district supervisors from office.

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

Com. Sub. for Senate Bill No. 464, Regulating tanning facilities.

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

The Senate proceeded to the tenth order of business.

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

Senate Bill No. 183, Updating terms in Corporation Net Income Tax Act.

Senate Bill No. 208, Making supplementary appropriation from State Fund, General Revenue, to Department of Commerce, Division of Labor, and DHHR, Division of Human Services.

Com. Sub. for Senate Bill No. 358, Relating to municipal policemen and firemen pensions.

And,

Senate Bill No. 446, Conforming motor fuel taxes with International Fuel Tax Agreement.

On motion of Senator Unger, the Senate recessed until 2 p.m. today.

Upon expiration of the recess, the Senate reconvened.

The end of today's first reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for Senate Bill No. 359, Relating generally to reforming public education.

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

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

On motion of Senator Unger, the Senate adjourned until Monday, March 18, 2013, at 11 a.m.

MONDAY, MARCH 18, 2013

The Senate met at 11 a.m.

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

Prayer was offered by Bishop P. Randall Bowles, Oceana Church of God, Oceana, West Virginia.

Pending the reading of the Journal of Friday, March 15, 2013,

On motion of Senator Laird, the Journal was approved and the further reading thereof dispensed with.

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

On motion of Senator Unger, the Senate recessed for five minutes to permit Yushi Wang to address the Senate on behalf of the Governor's School for the Arts and Joshua Clevenger to address the Senate on behalf of the Governor's Honors Academy.

Upon expiration of the recess, the Senate reconvened and proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill No. 197, Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 27—Requesting that bridge number 322-10-28.14 on West Virginia Route 10, crossing the Guyandotte River, currently known as the “West Hamlin Bridge” in Lincoln County, West Virginia, be named the “Army SSGT Arthur N. McMellon Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 28—Requesting the Division of Highways to name a two-mile section of County Route 62 in Alkol, Lincoln County, beginning at the intersection of County Routes 62 and 46, and heading east along Route 62 for two miles the “Mud River Pound Punchers Highway”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 40—Requesting the Division of Highways to name bridge number 24-1-3.58 on Route 1 in McDowell County, the “Estel R. Stacy World War II Navy Veteran Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 41—Requesting the Division of Highways to name the bridge located

at Lenore, Mingo County, West Virginia, Route 65 milepost 19.63, which was built in 1947, specifically bridge number 1652, the “US Army Staff Sergeant Cornelius Nebo Lackey Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 48—Requesting the Division of Highways to name bridge number 30-3/5-20.12 on County Route 3/5 in Mingo County, the “Albert & Peggie Maynard Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 57—Requesting that bridge number 42-219-12.59 on U. S. Route 219 across the Tygart River at Elkwater, Randolph County, West Virginia, be named the “Fire Chief Lyle Ware Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 60—Requesting the Division of Highways to bridge number 30-49-0.01 on Route 49 in Mingo County, the “William S. (Bill) Croaff Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 65—Requesting the Division of Highways to rename the Ruth Bridge over Trace Fork of Davis Creek, bridge number 20-214-5.35 on Route 214 in Kanawha County, the “Jimmie Stewart Pauley Memorial Bridge United States Air Force”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Miller, Barnes, Beach, Cookman, Fitzsimmons, Jenkins, Kirkendoll, Laird, McCabe, Snyder, Wells, Williams, Yost, Unger and Stollings:

Senate Bill No. 551—A Bill to amend and reenact §11-13Z-1 and §11-13Z-3 of the Code of West Virginia, 1931, as amended, all relating to residential solar energy tax credits; applying credit to residential installation of a solar energy system or systems; and extending the tax credit until July 1, 2021.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

By Senators Tucker, Chafin, Nohe, Palumbo, Sypolt, Wells, McCabe, Fitzsimmons, Plymale and Stollings:

Senate Bill No. 552—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §39A-4-1, §39A-4-2, §39A-4-3, §39A-4-4, §39A-4-5, §39A-4-6 and §39A-4-7, all relating to creating the Uniform Real Property Electronic Recording Act; providing short title; defining

terms; clarifying validity of electronic documents and electronic signatures; providing for recording of electronic documents; requiring any county clerk implementing the provisions of the act to comply with established standards; authorizing county clerks to receive, index, store, archive and transmit electronic documents; authorizing county clerks to allow public access, search and retrieval of electronic documents; allowing county clerks to convert paper documents accepted for recording into electronic documents; authorizing county clerks to collect electronically any tax or fee relating to electronic recording of real property documents they are authorized by law to collect; authorizing county clerks to agree with other jurisdictions on procedures or processes necessary for electronic recording of documents; creating the Real Property Electronic Recording Standards Council to develop the standards necessary to electronically record real property documents; authorizing a legislative rule; providing for a report and recommendations to the Legislature; providing that members of the Real Property Electronic Recording Standards Council pay their own expenses; setting forth areas for consideration when adopting or changing standards; providing for uniformity of application and construction of the act; and providing that this act modifies, limits and supersedes certain parts of the federal Electronic Signatures in Global and National Commerce Act.

Referred to the Committee on Interstate Cooperation; and then to the Committee on the Judiciary.

By Senators Beach, McCabe, Miller and Stollings:

Senate Bill No. 553—A Bill to amend and reenact §17-2D-2 and §17-2D-5 of the Code of West Virginia, 1931, as amended, all relating to the continuation of the Highway Design-Build Pilot Program; modifying limitations on design-build projects; requiring identification of design-build projects; and requiring annual reporting.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Carmichael and Blair:

Senate Bill No. 554—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §51-1B-1, §51-1B-2, §51-1B-3, §51-1B-4, §51-1B-5, §51-1B-6, §51-1B-7, §51-1B-8, §51-1B-9 and §51-1B-10, all relating to authorizing a new court to be known as the Intermediate Court of Appeals; setting forth how judges are to be selected; providing that its judges may not receive additional compensation; setting forth the court's jurisdictional authority; providing that the Supreme Court of Appeals controls its pleading, practice, procedure, scheduling of terms and adjournment; authorizing the hiring of a clerk of the court and other employees; setting forth the duties of the clerk; providing that the court's budget be part of the Supreme Court of Appeals' budget; and permitting appeals to the Supreme Court of Appeals.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Carmichael, Sypolt and Blair:

Senate Bill No. 555—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, §55-19-2, §55-19-3, §55-19-4, §55-19-5, §55-19-6, §55-19-7, §55-19-8, §55-19-9, §55-19-10, §55-19-11 and §55-19-12, all relating to actions and suits; creating a loser-pays civil justice system; providing for recovery of attorney's fees by prevailing party and applicability to causes of action and parties; procedure for recovery of attorney fees; rebuttable presumption; election by plaintiff and defendant; revocation of election; dismissal or nonsuit of action; award of litigation costs; liability of attorney; and when this article controls over any other law relating to the award of attorney's fees or other costs of litigation in connection with the civil action.

Referred to the Committee on the Judiciary.

By Senators Williams, Beach, Cann, Cole, Green, Jenkins, Kirkendoll, Snyder, Sypolt and Stollings:

Senate Bill No. 556—A Bill to amend and reenact §31-15C-2, §31-15C-8, §31-15C-9 and §31-15C-10 of the Code of West Virginia, 1931, as amended, all relating to broadband deployment projects; clarifying that the West Virginia Infrastructure and Jobs Development Council’s public outreach and education efforts extend beyond unserved areas; revising the council’s guidelines on requests for funding assistance; requiring projects for broadband service involving the construction of a network to meet the revised definition of “broadband” before being approved; revising the criteria for funding assistance applications; providing that projects to promote demand may be on a regional or statewide basis; revising notice and posting requirements; and redefining certain terms.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.

By Senators Yost, Kessler (Mr. President), Fitzsimmons and Stollings:

Senate Bill No. 557—A Bill to amend and reenact §16-2J-3 of the Code of West Virginia, 1931, as amended, relating to authorizing continued operation of certain pilot programs after expiration date; and resetting expiration date.

Referred to the Committee on Government Organization.

By Senators Walters, Barnes, Blair, Boley, Carmichael, Cole, M. Hall, Nohe, Sypolt, Cookman and Stollings:

Senate Bill No. 558—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; how license to carry deadly weapons obtained; and accepting documentation of current military service or an honorable discharge from any branch of the United States military, reserve or National Guard as equivalent experience toward the training requirement for a concealed weapons license.

Referred to the Committee on Military; and then to the Committee on the Judiciary.

By Senators Palumbo, Cookman, Stollings, Fitzsimmons and Miller:

Senate Bill No. 559—A Bill to amend and reenact §49-5-2 of the Code of West Virginia, 1931, as amended, relating to expanding circuit court jurisdiction over certain juvenile status offenders.

Referred to the Committee on the Judiciary.

By Senators Palumbo, McCabe, Wells, Walters, D. Hall, Unger, Beach, Williams and Stollings:

Senate Bill No. 560—A Bill to amend and reenact §18B-18A-1, §18B-18A-2, §18B-18A-3, §18B-18A-9, §18B-18A-11 and §18B-18A-12 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Research Trust Fund; increasing the recipients of the fund to include all state land grant institutions of higher education; redistribution of moneys; deposit into fund from General Revenue Fund under certain conditions; deadline and consequences for failure to obtain matching funds and donations; legislative rulemaking; and reporting requirement.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Williams, Unger, Sypolt and Miller:

Senate Bill No. 561—A Bill to establish the Tucker County Cultural District Authority; providing legislative findings; forming the Tucker County Cultural District Authority; providing for appointment of members; providing for organization and bylaws; requiring quarterly meetings; providing for quorum; authorizing proxy voting; providing for parliamentary procedure; providing for certain powers and duties of the board; establishing funding priorities; allowing public and private partnerships; granting certain specific authority to the president of the authority; requiring

cooperation of state agencies; and allowing various municipalities, boards, commissions, agencies and others to assist the authority.

Referred to the Committee on Government Organization.

By Senators D. Hall, Chafin, Green, Miller, Tucker, Fitzsimmons and Stollings:

Senate Bill No. 562—A Bill to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating to limiting the student-to-teacher ratio in preschool through twelfth grades; and adding additional pay to aides in classrooms over the maximum class size.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Palumbo and Snyder:

Senate Bill No. 563—A Bill to amend and reenact §61-3-49 of the Code of West Virginia, 1931, as amended, relating to the purchase of scrap metal by scrap metal dealers; and excluding platinum, gold, silver and palladium from the definition of “scrap metal”.

Referred to the Committee on the Judiciary.

Senators McCabe, Palumbo, Walters, Wells, Unger and Stollings offered the following resolution:

Senate Concurrent Resolution No. 22—Requesting the Division of Highways to name the bridge on highway U. S. 214 South, Oakhurst Drive and Deer Oaks Road in Kanawha County, BR-0214(011)D, Bridge No. 10730, built in 2011, the “Joseph Albert ‘Joey’ King, Jr., Memorial Bridge”.

Whereas, Joseph Albert “Joey” King, Jr., died in the line of duty as a volunteer firefighter on December 4, 2011, when he fell to his death from a bridge while looking for a fire. Joey was very dedicated to the Davis Creek and Ruthtdale volunteer fire departments and the

safety of his community. The first left from this bridge going south is the road that Joey traveled for years to and from home and work; and

Whereas, Joseph Albert “Joey” King, Jr., was born on August 28, 1951, in Charleston, West Virginia, the son of Joseph and Betty Jo King. He grew up with his parents and his siblings: Arietta, Diana, Bethel and Linnie “Curley”. Joey was blessed to have three children: Edna, Joey III and LeAnne. Joey’s beloved only son passed away at age twelve in 1988. Joey later met his longtime companion, Sonja Kay, and helped raise her son, Anthony. Joey loved to travel to Florida on his motorcycle to visit his daughter and spend time with his granddaughters, Amanda and Skyler. He loved to ride and was a member of the Patriot Guard and The Red Knights motorcycle clubs. Joey spent many years working at Copley’s Wrecker Service. He later worked for the City of Charleston Sanitary Board as a mechanic, before retiring for health reasons. Joey served as a volunteer and took pride in being a firefighter. He found a way to help people and the community by becoming a volunteer firefighter, a task that lasted for the last seven years of his life; and

Whereas, Joey originally started at the fire department to get Anthony interested in something worthwhile and positive. However, he soon realized that he had a knack for what a volunteer fire department does—helping people. He became not only a firefighter, but a great friend to many members of the department. He saw that he could use his mechanical skills to benefit the fire department by caring for the equipment. Most people will never realize how valuable an asset Joey was to the fire department. To his brother firefighters, he was a friend, brother and mentor, with many looking to him for personal advice to help them to get through life. One man stated at the memorial service that Joey was a “First responder” before there was such a thing, the man you wanted at an accident scene. On a lighter note, Joey loved to tease and play practical jokes on others. He enjoyed taking his nieces’ sons and granddaughters to his garage, sitting them on his motorcycle, or

taking them to the firehouse and putting them in the fire truck. Joey was always there for someone in need. People have said he was the nicest guy they knew and could never be replaced. Never once did he hesitate to help anyone in need of help; and

Whereas, It is only fitting that we honor Joseph Albert “Joey” King, Jr., for his dedication to the Davis Creek and Ruthdale volunteer fire departments and the safety of his community, and for his contributions to his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge on highway U. S. 214 South, Oakhurst Drive and Deer Oaks Road in Kanawha County, BR-0214(011)D, Bridge No. 10730, built in 2011, the “Joseph Albert ‘Joey’ King, 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 “Joseph Albert ‘Joey’ King, 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 Secretary of the Department of Transportation and to the children, surviving relatives and companion of Joseph Albert “Joey” King, Jr.

Which, under the rules, lies over one day.

Senators D. Hall, Chafin, Green, Unger, Cole and Stollings offered the following resolution:

Senate Concurrent Resolution No. 23—Requesting the Division of Highways to name bridge number 55-16/40-0.01, in Allen Junction, Wyoming County, West Virginia, the “Reverend Edward and Mary Mullins Memorial Bridge”.

Whereas, Reverend Edward and Mary Mullins moved to Allen Junction in 1951, when they purchased property across the Guyandotte River from Route 16; and

Whereas, At the time, the residents living across the river from Route 16 had only a cable swinging foot bridge to reach their homes, but Reverend Mullins later purchased property on both sides of the river and allowed his property to be used for construction of a bridge that would enable the residents to reach their homes by automobile; and

Whereas, In addition to playing an instrumental role in getting the bridge built at Allen Junction and serving as its longtime caretaker, Reverend Mullins also constructed a building for the community to use as its post office, and it was used in that capacity for many years; and

Whereas, Reverend Mullins worked diligently in the coal mines while pastoring several churches over the years, and Mary served the churches he pastored as their secretary, janitor, baker or any other role in which she was needed. They both worked tirelessly to establish new churches in Wyoming County, some of which are still in existence today; and

Whereas, Reverend Mullins later served as the state superintendent for his church organization and was responsible for overseeing numerous churches around the state; and

Whereas, Reverend Edward and Mary Mullins were respected by all who knew them for their commitment to church and community and for the spirit of devoted service with which they lived their lives; and

Whereas, Sadly, Reverend Edward Mullins passed away on June 22, 1970, and his beloved wife, Mary Mullins, followed him home to the Lord on January 6, 1975. They are survived by their children, James E. Mullins and Ruby Mullins Byrd, and their

grandchildren, James Mullins, Lonnie Mullins, Robert Mullins and Deborah Mullins Conner; and

Whereas, It is only fitting that we name this bridge, which Reverend and Mary Mullins were so instrumental in having built, to honor their many contributions to the community of Allen Junction and greater Wyoming County, and for their enduring legacy of service; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 55-16/40-0.01, in Allen Junction, Wyoming County, West Virginia, the “Reverend Edward and Mary Mullins Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge proclaiming the bridge the “Reverend Edward and Mary Mullins 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 and to James E. Mullins and Ruby Mullins Byrd.

Which, under the rules, lies over one day.

Senators Kessler (Mr. President), Unger, Fitzsimmons, Beach, Williams, Sypolt, Snyder, Wells and Stollings offered the following resolution:

Senate Resolution No. 38—Recognizing the many contributions of the thousands of volunteers and paid staff at pregnancy care centers in West Virginia and across the United States.

Whereas, The life-affirming impact of pregnancy care centers on the women, men, children and communities they serve is considerable and growing; and

Whereas, Pregnancy care centers serve women in West Virginia and across the United States with integrity and compassion with more than 2,500 centers across the United States providing comprehensive care to women and men facing unplanned pregnancies, including resources to meet their physical, psychological, emotional and spiritual needs; and

Whereas, Pregnancy care centers offer women free, confidential and compassionate services, including pregnancy tests, peer counseling, 24-hour hotlines, childbirth and pregnancy classes and referrals to community, health care and other support services; and

Whereas, Many pregnancy care centers offer ultrasounds and other medical services, information on adoption and adoption referrals while encouraging women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options and the development of the unborn; and

Whereas, Pregnancy care centers ensure that women are receiving prenatal information and services that lead to the birth of healthy infants; and

Whereas, Pregnancy care centers provide important support and resources for women and their children, including prenatal care and education, ultrasound screenings, pregnancy tests, parenting training, life-skills education and financial management education, as well as the provision of nursery furniture, diapers, diaper bags, infant clothing, maternity clothing and child safety seats; and

Whereas, The pregnancy care centers of West Virginia have worked to prevent unplanned pregnancies among teens by teaching effective abstinence education to over 1,700 public school students in 2011; and

Whereas, In 2011, pregnancy care centers in West Virginia provided services to more than 4,500 clients for an estimated savings of at least \$46 million for West Virginia taxpayers; and

Whereas, Pregnancy care centers do not receive state or federal funding and operate primarily through reliance on the voluntary donations and the time of thousands of volunteers who are committed to caring for the needs of women and their families, while also promoting and protecting life; and

Whereas, Both federal and state governments are increasingly recognizing the valuable services of pregnancy care centers through the public support of such organizations; and

Whereas, The Senate strongly encourages the United States Congress and other federal and state government agencies to grant pregnancy care centers assistance for medical equipment and abstinence education in a manner that does not compromise the mission or religious integrity of these organizations; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the many contributions of the thousands of volunteers and paid staff at pregnancy care centers in West Virginia and across the United States; and, be it

Further Resolved, That the Senate extends its sincere appreciation to these committed volunteers and staff who unselfishly work to educate, assist and contribute to the many women, men, children, families and babies that are in their need across West Virginia and the entire United States; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representative of pregnancy care centers in West Virginia.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the eighth order of business.

Eng. Senate Bill No. 108, Creating Unintentional Pharmaceutical Drug Overdose Fatality Review Team.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 108) passed.

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

Eng. Senate Bill No. 108—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-12A-1, §61-12A-2, §61-12A-3, §61-12A-4, §61-

12A-5 and §61-12A-6, all relating to the creation of the Unintentional Pharmaceutical Drug Overdose Fatality Review Team under the Office of the Chief Medical Examiner; setting forth legislative findings; setting forth membership of the team and terms of office; setting forth responsibilities of the team; providing for certain actions the team may not take in exercising its duties; providing for an annual report to the Governor and Legislature and its contents; providing for confidentiality of the team's proceedings, records and opinions; setting forth record-keeping requirements; authorizing access to certain records; requiring other state and local agencies to cooperate with the team; and directing the Office of the Chief Medical Examiner, in consultation with the Unintentional Pharmaceutical Drug Overdose Fatality Review Team, to propose legislative rules.

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

Eng. Com. Sub. for Senate Bill No. 353, Establishing First Informer Broadcasters Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 353) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 353) takes effect July 1, 2013.

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

Eng. Com. Sub. for Senate Bill No. 359, Relating generally to reforming public education.

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

At the request of Senator Unger, unanimous consent being granted, further consideration of the bill was deferred until the conclusion of bills on today's first reading calendar.

Eng. Senate Bill No. 412, Relating to removal of elected county conservation district supervisors from office.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 412) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 412) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill No. 464, Regulating tanning facilities.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Wells, Yost and Kessler (Mr. President)—26.

The nays were: Barnes, Blair, Green, D. Hall, Nohe, Sypolt, Walters and Williams—8.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 464) passed with its title.

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

The Senate proceeded to the ninth order of business.

Senate Bill No. 183, Updating terms in Corporation Net Income Tax Act.

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

Senate Bill No. 208, Making supplementary appropriation from State Fund, General Revenue, to Department of Commerce, Division of Labor, and DHHR, Division of Human Services.

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

Com. Sub. for Senate Bill No. 358, Relating to municipal policemen and firemen pensions.

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

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

On page twenty-one, section twenty-five, line fifty-four, by striking out the word “to”.

The bill (Com. Sub. for S. B. No. 358), as amended, was then ordered to engrossment and third reading.

Senate Bill No. 446, Conforming motor fuel taxes with International Fuel Tax Agreement.

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill No. 27, Relating to administration of opioid antidote in emergency situations.

Senate Bill No. 441, Relating to withdrawal of erroneous state tax liens.

And,

Com. Sub. for Senate Bill No. 477, Relating to electronic registration of voters.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate recessed until 1:30 p.m. today.

Upon expiration of the recess, the Senate reconvened.

The end of today's first reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for Senate Bill No. 359, Relating generally to reforming public education.

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

At the request of Senator Plymale, unanimous consent was granted to offer amendments to the bill on third reading.

Thereupon, on motion of Senator Plymale, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On pages one hundred eight through one hundred fourteen, by striking out all of section forty-five and inserting in lieu thereof a new section, designated section forty-five, to read as follows:

§18-5-45. School calendar.

(a) As used in this section:

(1) "Instructional day" means a day within the instructional term which meets the following criteria:

(A) Instruction is offered to students for at least the minimum amount of hours provided by state board rule;

(B) Instructional time is used for instruction and cocurricular activities; and

(C) Other criteria as the state board determines appropriate.

(2) “Cocurricular activities” are activities that are closely related to identifiable academic programs or areas of study that serve to complement academic curricula as further defined by the state board.

(b) *Findings.*—

(1) The primary purpose of the school system is to provide instruction for students.

(2) The school calendar, as defined in this section, is designed to define the school term both for employees and for instruction.

(3) The school calendar shall provide for one hundred eighty separate instructional days.

(c) The county board shall provide a school term for its schools that contains the following:

(1) An employment term that excludes Saturdays and Sundays and consists of at least two hundred days, which need not be successive. The beginning and closing dates of the employment term may not exceed forty-eight weeks;

(2) Within the employment term, an instructional term for students of no less than one hundred eighty separate instructional days, which includes an inclement weather and emergencies plan designed to guarantee an instructional term for students of no less than one hundred eighty separate instructional days;

(3) Within the employment term, noninstructional days shall total twenty and shall be comprised of the following:

(A) Seven paid holidays;

(B) Election day as specified in section two, article five, chapter eighteen-a of this code;

(C) Six days to be designated by the county board to be used by the employees outside the school environment, with at least four outside the school environment days scheduled to occur after the one hundred and thirtieth instructional day of the school calendar; and

(D) The remaining days to be designated by the county board for purposes to include, but not be limited to:

(i) Curriculum development;

(ii) Preparation for opening and closing school;

(iii) Professional development;

(iv) Teacher-pupil-parent conferences;

(v) Professional meetings;

(vi) Making up days when instruction was scheduled but not conducted; and

(vii) At least four two-hour blocks of time for faculty senate meetings with each two-hour block of time scheduled once at least every forty-five instructional days; and

(4) Scheduled out-of-calendar days that are to be used for instructional days in the event school is canceled for any reason.

(d) A county board of education shall develop a policy that requires additional minutes of instruction in the school day or additional days of instruction to recover time lost due to late arrivals and early dismissals.

(e) If it is not possible to complete one hundred eighty separate instructional days with the current school calendar, the county board shall schedule instruction on any available noninstructional day, regardless of the purpose for which the day originally was scheduled, or an out-of-calendar day and the day will be used for instruction of students: *Provided*, That the provisions of this subsection do not apply to:

(A) Holidays;

(B) Election day;

(C) Saturdays and Sundays.

(f) The instructional term shall commence and terminate on a date selected by the county board.

(g) The state board may not schedule the primary statewide assessment program more than thirty days prior to the end of the instructional year unless the state board determines that the nature of the test mandates an earlier testing date.

(h) The following applies to cocurricular activities:

(1) The state board shall determine what activities may be considered cocurricular;

(2) The state board shall determine the amount of instructional time that may be consumed by cocurricular activities; and

(3) Other requirements or restrictions the state board may provide in the rule required to be promulgated by this section.

(i) Extracurricular activities may not be used for instructional time.

(j) Noninstructional interruptions to the instructional day shall be minimized to allow the classroom teacher to teach.

(k) Prior to implementing the school calendar, the county board shall secure approval of its proposed calendar from the state board or, if so designated by the state board, from the state superintendent.

(l) In formulation of a school's calendar, a county school board shall hold at least two public meetings that allow parents, teachers, teacher organizations, businesses and other interested parties within the county to discuss the school calendar. The public notice of the date, time and place of the public hearing must be published in a local newspaper of general circulation in the area as a Class II legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of this code.

(m) The county board may contract with all or part of the personnel for a longer term of employment.

(n) The minimum instructional term may be decreased by order of the state superintendent in any county declared a federal disaster area and where the event causing the declaration is substantially related to a reduction of instructional days.

(o) Notwithstanding any provision of this code to the contrary, the state board may grant a waiver to a county board for its noncompliance with provisions of chapter eighteen, eighteen-a, eighteen-b and eighteen-c of this code to maintain compliance in reaching the mandatory one hundred eighty separate instructional days established in this section.

(p) The state board shall promulgate a rule in accordance with the provisions of article three-b, chapter twenty-nine-a of this code for the purpose of implementing the provisions of this section.

(q) The amendments to this section during the 2013 regular session of the Legislature shall be effective for school years

beginning on or after July 1, 2013, and the provisions of this section immediately prior to those amendments remain in effect until July 1, 2013.;

On pages one hundred seventeen and one hundred eighteen, section five, lines sixty-eight through seventy-six, by striking out all of subdivision (2) and inserting in lieu thereof a new subdivision, designated subdivision (2), to read as follows:

(2) A faculty senate may establish a process for members to interview ~~new prospective professional educators and paraprofessional employees at the school and~~ or otherwise obtain information regarding applicants for classroom teaching vacancies that will enable the faculty senate to submit recommendations regarding employment to the principal. ~~who may also make independent recommendations, for submission to the county superintendent: *Provided*, That such process shall be chaired by the school principal and must permit the timely employment of persons to perform necessary duties. To facilitate the establishment of a process that is timely, effective, consistent among schools and counties and designed to avoid litigation or grievance, the state board shall promulgate a rule pursuant to article three-b, chapter twenty-nine-a of this code to implement the provisions of this subdivision. The rule may include the following:~~

(A) A process or alternative processes that a faculty senate may adopt;

(B) If determined necessary, a requirement and procedure for training for principals and faculty senate members or their designees who may participate in interviews and provisions that may provide for the compensation based on the appropriate daily rate of a classroom teacher who directly participates in the training for periods beyond his or her individual contract;

(C) Time lines that will assure the timely completion of the recommendation or the forfeiture of the right to make a

recommendation upon the failure to complete a recommendation within a reasonable time;

(D) The authorization of the faculty senate to delegate the process for making a recommendation to a committee of no less than three members of the faculty senate; and

(E) Such other provisions as the state board determines are necessary or beneficial for the process to be established by the faculty senate.;

On pages one hundred twenty-eight through one hundred thirty-five, by striking out all of section one-d and inserting in lieu thereof a new section, designated section one-d, to read as follows:

§18A-3-1d. Study of alternative certification programs.

The state board shall conduct a study on alternative certification programs, including the effectiveness of the current methods of alternative certification, any improvements needed on current methods of alternative certification and potential additional methods of certification that would enhance the ability of the State of West Virginia to place effective teachers in areas of high need. "Areas of high need" means those subject areas, public schools or geographic areas of the state in which the state board determines that critical teacher shortages exist. The board shall report its findings and recommendations to the Legislative Oversight Commission on Education Accountability no later than December 31, 2013.;

On pages one hundred thirty-five through one hundred thirty-seven, by striking out all of section one-e;

On pages one hundred thirty-seven through one hundred forty-three, by striking out all of section two-a;

On pages one hundred sixty through one hundred seventy-four, by striking out all of section seven-a and inserting in lieu thereof a new section, designated section seven-a, to read as follows:

§18A-4-7a. Employment, promotion and transfer of professional personnel; seniority.

~~(a) A county board of education shall make decisions affecting the hiring of professional personnel other than classroom teachers on the basis of the applicant with the highest qualifications.~~

~~(b) (a) The A county board of education shall make decisions affecting the hiring filling of new classroom teachers vacancies in professional positions of employment on the basis of the applicant with the highest qualifications: Provided. That the county superintendent shall be hired under separate criteria pursuant to section two, article four, chapter eighteen of this code.~~

~~(c) (b) In judging qualifications for hiring employees pursuant to subsections (a) and (b) of this section the filling of vacancies of professional positions of employment, consideration shall be given to each of the following:~~

~~(1) Appropriate certification, licensure or both;~~

~~(2) Amount of experience relevant to the position or, in the case of a classroom teaching position, the amount of teaching experience in the subject required certification area;~~

~~(3) The amount of course work, degree level or both in the relevant field and degree level generally;~~

~~(4) Academic achievement;~~

~~(5) In the case of a classroom teaching position or the position of principal, certification by the National Board for Professional Teaching Standards;~~

~~(5) (6) Relevant specialized Specialized training relevant to the performance of the duties of the job;~~

~~(6)~~ (7) Past performance evaluations conducted pursuant to section twelve, article two of this chapter and section two, article three-c of this chapter or, in the case of a classroom teacher, past evaluations of the applicant's performance in the teaching profession;

~~(8)~~ Seniority; ~~and~~

~~(7)~~ (9) Other measures or indicators upon which the relative qualifications of the applicant may fairly be judged;

~~(10)~~ In the case of a classroom teaching position, the recommendation of the principal of the school at which the applicant will be performing a majority of his or her duties; and

~~(11)~~ In the case of a classroom teaching position, the recommendation, if any, resulting from the process established pursuant to the provisions of section five, article five-a, chapter eighteen of this code by the faculty senate of the school at which the employee will be performing a majority of his or her duties.

~~(d)~~ (c) If In considering the filling of a vacancy pursuant to this section, a county board is entitled to determine the appropriate weight to apply to each of the criterion when assessing an applicant's qualifications: *Provided, That if* one or more permanently employed instructional personnel apply for a classroom teaching position and meet the standards set forth in the job posting, each criterion under subsection (b) of this section shall be given equal weight except that the criterion in subdivisions (10) and (11) shall each be double weighted. the county board of education shall make a decision affecting the filling of the position on the basis of the following criteria:

~~(1)~~ Appropriate certification, licensure or both;

~~(2)~~ Total amount of teaching experience;

~~(3) The existence of teaching experience in the required certification area;~~

~~(4) Degree level in the required certification area;~~

~~(5) Specialized training directly related to the performance of the job as stated in the job description;~~

~~(6) Receiving an overall rating of satisfactory in the previous two evaluations conducted pursuant to section twelve, article two of this chapter; and~~

~~(7) Seniority.~~

~~(e) In filling positions pursuant to subsection (d) of this section, consideration shall be given to each criterion with each criterion being given equal weight. If the applicant with the most seniority is not selected for the position, upon the request of the applicant a written statement of reasons shall be given to the applicant with suggestions for improving the applicant's qualifications.~~

(d) For a classroom teaching position, if the recommendations resulting from the operations of subdivisions (10) and (11), subsection (b) of this section are for the same applicant, and the superintendent concurs with that recommendation, then the other provisions of subsections (b) and (c) of this section do not apply and the county board shall appoint that applicant notwithstanding any other provision of this code to the contrary.

(e) The state board shall promulgate a rule, including an emergency rule if necessary, in accordance with the provisions of article three-b, chapter twenty-nine-a of this code to implement and interpret the provisions of this section, including provisions that may provide for the compensation based on the appropriate daily rate of a classroom teacher who directly participates in making recommendations pursuant to this section for periods beyond his or her individual contract.

(f) Recommendations made pursuant to subdivisions (10) and (11), subsection (b) of this section shall be made based on a determination as to which of the applicants is the highest qualified for the position: *Provided*, That nothing in this subsection shall require principals or faculty senates to assign any amount of weight to any factor in making a recommendation.

~~(f)~~ (g) With the exception of guidance counselors, the seniority of classroom teachers, as defined in section one, article one of this chapter, shall be determined on the basis of the length of time the employee has been employed as a regular full-time certified and/or licensed professional educator by the county board of education and shall be granted in all areas that the employee is certified, licensed or both.

~~(g)~~ (h) Upon completion of one hundred thirty-three days of employment in any one school year, substitute teachers, except retired teachers and other retired professional educators employed as substitutes, shall accrue seniority exclusively for the purpose of applying for employment as a permanent, full-time professional employee. One hundred thirty-three days or more of said employment shall be prorated and shall vest as a fraction of the school year worked by the permanent, full-time teacher.

~~(h)~~ (i) Guidance counselors and all other professional employees, as defined in section one, article one of this chapter, except classroom teachers, shall gain seniority in their nonteaching area of professional employment on the basis of the length of time the employee has been employed by the county board of education in that area: *Provided*, That if an employee is certified as a classroom teacher, the employee accrues classroom teaching seniority for the time that that employee is employed in another professional area. For the purposes of accruing seniority under this paragraph, employment as principal, supervisor or central office administrator, as defined in section one, article one of this chapter, shall be considered one area of employment.

(†) (j) Employment for a full employment term shall equal one year of seniority, but no employee may accrue more than one year of seniority during any given fiscal year. Employment for less than the full employment term shall be prorated. A random selection system established by the employees and approved by the board shall be used to determine the priority if two or more employees accumulate identical seniority: *Provided*, That when two or more principals have accumulated identical seniority, decisions on reductions in force shall be based on qualifications.

(†) (k) Whenever a county board is required to reduce the number of professional personnel in its employment, the employee with the least amount of seniority shall be properly notified and released from employment pursuant to the provisions of section two, article two of this chapter. The provisions of this subsection are subject to the following:

(1) All persons employed in a certification area to be reduced who are employed under a temporary permit shall be properly notified and released before a fully certified employee in such a position is subject to release;

(2) Notwithstanding any provision of this code to the contrary, all employees subject to release shall be considered applicants for any vacancy in an established, existing or newly created position that, on or before February 15, is known to exist for the ensuing school year, and for which they are qualified, and, upon recommendation of the superintendent, the board shall appoint the successful applicant from among them before posting such vacancies for application by other persons;

(2) (3) An employee subject to release shall be employed in any other professional position where the employee is certified and was previously employed or to any lateral area for which the employee is certified, licensed or both, if the employee's seniority is greater than the seniority of any other employee in that area of certification, licensure or both;

~~(3)~~ (4) If an employee subject to release holds certification, licensure or both in more than one lateral area and if the employee's seniority is greater than the seniority of any other employee in one or more of those areas of certification, licensure or both, the employee subject to release shall be employed in the professional position held by the employee with the least seniority in any of those areas of certification, licensure or both; and

~~(4)~~ (5) If, prior to August 1 of the year a reduction in force is approved, the reason for any particular reduction in force no longer exists as determined by the county board in its sole and exclusive judgment, the board shall rescind the reduction in force or transfer and shall notify the released employee in writing of his or her right to be restored to his or her position of employment. Within five days of being so notified, the released employee shall notify the board, in writing, of his or her intent to resume his or her position of employment or the right to be restored shall terminate. Notwithstanding any other provision of this subdivision, if there is another employee on the preferred recall list with proper certification and higher seniority, that person shall be placed in the position restored as a result of the reduction in force being rescinded.

~~(k)~~ (l) For the purpose of this article, all positions which meet the definition of "classroom teacher" as defined in section one, article one of this chapter shall be lateral positions. For all other professional positions, the county board of education shall adopt a policy by October 31, 1993, and may modify the policy thereafter as necessary, which defines which positions shall be lateral positions. The board shall submit a copy of its policy to the state board within thirty days of adoption or any modification, and the state board shall compile a report and submit the report to the Legislative Oversight Commission on Education Accountability by December 31, 1993, and by that date in any succeeding year in which any county board submits a modification of its policy relating to lateral positions. In adopting the policy, the board shall give consideration to the rank of each position in terms of title; nature of responsibilities;

salary level; certification, licensure or both; and days in the period of employment.

(†) (m) After the twentieth day prior to the beginning of the instructional term, no person employed and assigned to a professional position may transfer to another professional position in the county during that instructional term unless the person holding that position does not have valid certification. The provisions of this subsection are subject to the following:

(1) The person may apply for any posted, vacant positions with the successful applicant assuming the position at the beginning of the next instructional term;

(2) Professional personnel who have been on an approved leave of absence may fill these vacancies upon their return from the approved leave of absence;

(3) The county board, upon recommendation of the superintendent may fill a position before the next instructional term when it is determined to be in the best interest of the students. The county superintendent shall notify the state board of each transfer of a person employed in a professional position to another professional position after the twentieth day prior to the beginning of the instructional term;

(4) The provisions of this subsection do not apply to the filling of a position vacated because of resignation or retirement that became effective on or before the twentieth day prior to the beginning of the instructional term, but not posted until after that date; and

(5) The Legislature finds that it is not in the best interest of the students particularly in the elementary grades to have multiple teachers for any one grade level or course during the instructional term. It is the intent of the Legislature that the filling of positions through transfers of personnel from one professional position

to another after the twentieth day prior to the beginning of the instructional term should be kept to a minimum.

(m) (n) All professional personnel whose seniority with the county board is insufficient to allow their retention by the county board during a reduction in work force shall be placed upon a preferred recall list. As to any professional position opening within the area where they had previously been employed or to any lateral area for which they have certification, licensure or both, the employee shall be recalled on the basis of seniority if no regular, full-time professional personnel, or those returning from leaves of absence with greater seniority, are qualified, apply for and accept the position.

(n) (o) Before position openings that are known or expected to extend for twenty consecutive employment days or longer for professional personnel may be filled by the board, the board shall be required to notify all qualified professional personnel on the preferred list and give them an opportunity to apply, but failure to apply shall not cause the employee to forfeit any right to recall. The notice shall be sent by certified mail to the last known address of the employee, and it shall be the duty of each professional personnel to notify the board of continued availability annually, of any change in address or of any change in certification, licensure or both.

(o) (p) Openings in established, existing or newly created positions shall be processed as follows:

(1) Boards shall be required to post and date notices ~~which shall be of each opening at least once.~~ At their discretion, boards may post an opening for a position other than classroom teacher more than once in order to attract more qualified applicants. At their discretion, boards may post an opening for a classroom teacher one additional time after the first posting in order to attract more qualified applicants only if fewer than three individuals apply during the first posting subject to the following:

(A) ~~The notices~~ Each notice shall be posted in conspicuous working places for all professional personnel to observe for at least five working days;

(B) ~~The~~ At least one notice shall be posted within twenty working days of the position openings and shall include the job description;

(C) Any special criteria or skills that are required by the position shall be specifically stated in the job description and directly related to the performance of the job;

(D) Postings for vacancies made pursuant to this section shall be written so as to ensure that the largest possible pool of qualified applicants may apply; and

(E) Job postings may not require criteria which are not necessary for the successful performance of the job and may not be written with the intent to favor a specific applicant;

(2) No vacancy shall be filled until after the five-day minimum posting period of the most recent posted notice of the vacancy;

(3) If one or more applicants under all the postings for a vacancy meets the qualifications listed in the job posting, the successful applicant to fill the vacancy shall be selected by the board within thirty working days of the end of the first posting period;

(4) A position held by a teacher who is certified, licensed or both, who has been issued a permit for full-time employment and is working toward certification in the permit area shall not be subject to posting if the certificate is awarded within five years; and

(5) Nothing provided herein shall prevent the county board of education from eliminating a position due to lack of need.

~~(p)~~ (q) Notwithstanding any other provision of the code to the contrary, where the total number of classroom teaching positions

in an elementary school does not increase from one school year to the next, but there exists in that school a need to realign the number of teachers in one or more grade levels, kindergarten through six, teachers at the school may be reassigned to grade levels for which they are certified without that position being posted: *Provided*, That the employee and the county board of education mutually agree to the reassignment.

(q) (r) Reductions in classroom teaching positions in elementary schools shall be processed as follows:

(1) When the total number of classroom teaching positions in an elementary school needs to be reduced, the reduction shall be made on the basis of seniority with the least senior classroom teacher being recommended for transfer; and

(2) When a specified grade level needs to be reduced and the least senior employee in the school is not in that grade level, the least senior classroom teacher in the grade level that needs to be reduced shall be reassigned to the position made vacant by the transfer of the least senior classroom teacher in the school without that position being posted: *Provided*, That the employee is certified, licensed or both and agrees to the reassignment.

(r) (s) Any board failing to comply with the provisions of this article may be compelled to do so by mandamus and shall be liable to any party prevailing against the board for court costs and reasonable attorney fees as determined and established by the court. Further, employees denied promotion or employment in violation of this section shall be awarded the job, pay and any applicable benefits retroactive to the date of the violation and payable entirely from local funds. Further, the board shall be liable to any party prevailing against the board for any court reporter costs including copies of transcripts.

(s) (t) The county board shall compile, update annually on July 1 and make available by electronic or other means to all employees

a list of all professional personnel employed by the county, their areas of certification and their seniority.

(u) Notwithstanding any other provision of this code to the contrary, upon recommendation of the principal and approval by the classroom teacher and county board, a classroom teacher assigned to the school may at any time be assigned to a new or existing classroom teacher position at the school without the position being posted.

(v) The amendments to this section during the 2013 regular session of the Legislature shall be effective for school years beginning on or after July 1, 2013, and the provisions of this section immediately prior to those amendments remain in effect until July 1, 2013.;

On pages two hundred thirteen through two hundred sixteen, by striking out all of section fourteen and inserting in lieu thereof a new section, designated section fourteen, to read as follows:

§18A-4-14. Duty-free lunch and daily planning period for certain employees.

~~(H)~~ (a) Notwithstanding the provisions of section seven, article two of this chapter, every teacher who is employed for a period of time more than one half the class periods of the regular school day and every service ~~personnel~~ person whose employment is for a period of more than three and one-half hours per day and whose pay is at least the amount indicated in the state minimum pay scale as set forth in section eight-a of this article shall be provided a daily lunch recess of not less than thirty consecutive minutes, and ~~such~~ the employee shall not be assigned any responsibilities during this recess. ~~Such~~ The recess shall be included in the number of hours worked, and no county shall increase the number of hours to be worked by an employee as a result of ~~such~~ the employee being granted a recess under the provisions of this section.

~~(2)~~ (b) Every teacher who is regularly employed for a period of time more than one half the class periods of the regular school day shall be provided at least one planning period within each school instructional day to be used to complete necessary preparations for the instruction of pupils. ~~Such planning period shall be the length of the usual class period in the school to which such teacher is assigned, and shall be not less than thirty minutes.~~ No teacher shall may be assigned any responsibilities during this period, and no county shall increase the number of hours to be worked by a teacher as a result of such teacher being granted a planning period subsequent to the adoption of this section (March 13, 1982).

The duration of the planning period shall be in accordance with the following:

(1) For grades where the majority of the student instruction is delivered by only one teacher, the planning period shall be no less than forty minutes; and

(2) For grades where students take separate courses during at least four separate periods of instruction, most usually delivered by different teachers for each subject, the planning period shall be the length of the usual class period taught by the teacher, but no less than forty minutes.

Principals, and assistant principals, where applicable, shall cooperate in carrying out the provisions of this subsection, including, but not limited to, assuming control of the class period or supervision of students during the time the teacher is engaged in the planning period. Substitute teachers may also be utilized to assist with classroom responsibilities under this subsection: *Provided*, That any substitute teacher who is employed to teach a minimum of two consecutive days in the same position shall be granted a planning period pursuant to this section.

~~(3)~~ (c) Nothing in this section ~~shall be construed to prevent~~ prevents any teacher from exchanging his or her lunch recess or a

planning period or any service ~~personnel~~ person from exchanging his or her lunch recess for any compensation or benefit mutually agreed upon by the employee and the county superintendent of schools or his or her agent: *Provided*, That a teacher and the superintendent or his or her agent may not agree to terms which are different from those available to any other teacher granted rights under this section within the individual school or to terms which in any way discriminate among ~~such~~ those teachers within the individual school, and ~~that service personnel~~ a service person granted rights under this section and the superintendent or his or her agent may not agree to terms which are different from those available to any other service personnel within the same classification category granted rights under this section within the individual school or to terms which in any way discriminate among ~~such~~ those service personnel within the same classification category within the individual school.

(d) The state board shall conduct a study on planning periods. The study shall include, but not be limited to, the appropriate length for planning periods at the various grade levels and for the different types of class schedules. The board shall report its findings and recommendations to the Legislative Oversight Commission on Education Accountability no later than December 31, 2013.;

And,

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

That §18-2-23a and §18-2-32 of the Code of West Virginia, 1931, as amended, be repealed; that §18-2E-5c of said code be repealed; that §18-2I-6 and §18-2I-7 of said code be repealed; that §18A-3A-2a and §18A-3A-6 of said code be repealed; that §18-1-4 of said code be amended and reenacted; that §18-2-24 of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §18-2-39; that §18-2E-5 of said code be amended and reenacted; that §18-2I-1, §18-2I-

2, §18-2I-3, §18-2I-4 and §18-2I-5 of said code be amended and reenacted; that §18-3-1 and §18-3-12 of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §18-3-9b; that §18-5-18, §18-5-44 and §18-5-45 of said code be amended and reenacted; that §18-5A-5 of said code be amended and reenacted; that §18A-2-1 and §18A-2-7 of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §18A-3-1d; that §18A-3A-1, §18A-3A-2 and §18A-3A-3 of said code be amended and reenacted; that §18A-4-2a, §18A-4-7a, §18A-4-8, §18A-4-8a and §18A-4-14 of said code be amended and reenacted; that §18A-5-2 of said code be amended and reenacted; that §18C-1-2 of said code be amended and reenacted; that §18C-4-1, §18C-4-2, §18C-4-3 and §18C-4-4 of said code be amended and reenacted; and that said code be amended by adding thereto three new sections, designated §18C-4A-1, §18C-4A-2 and §18C-4A-3, all to read as follows:.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill No. 359 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 359) passed.

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

Eng. Com. Sub. for Senate Bill No. 359—A Bill to repeal §18-2-23a and §18-2-32 of the Code of West Virginia, 1931, as amended; to repeal §18-2E-5c of said code; to repeal §18-2I-6 and §18-2I-7 of said code; to repeal §18A-3A-2a and §18A-3A-6 of said code; to amend and reenact §18-1-4 of said code; to amend and reenact §18-2-24 of said code; to amend said code by adding thereto a new section, designated §18-2-39; to amend and reenact §18-2E-5 of said code; to amend and reenact §18-2I-1, §18-2I-2, §18-2I-3, §18-2I-4 and §18-2I-5 of said code; to amend and reenact §18-3-1 and §18-3-12 of said code; to amend said code by adding thereto a new section, designated §18-3-9b; to amend and reenact §18-5-18, §18-5-44 and §18-5-45 of said code; to amend and reenact §18-5A-5 of said code; to amend and reenact §18A-2-1 and §18A-2-7 of said code; to amend said code by adding thereto a new section, designated §18A-3-1d; to amend and reenact §18A-3A-1, §18A-3A-2 and §18A-3A-3 of said code; to amend and reenact §18A-4-2a, §18A-4-7a, §18A-4-8, §18A-4-8a and §18A-4-14 of said code; to amend and reenact §18A-5-2 of said code; to amend and reenact §18C-1-2 of said code; to amend and reenact §18C-4-1, §18C-4-2, §18C-4-3 and §18C-4-4 of said code; and to amend said code by adding thereto three new sections, designated §18C-4A-1, §18C-4A-2 and §18C-4A-3, all relating to transforming and improving public education; removing outdated language; requiring the State Board of Education, the Higher Education Policy Commission and the Council for Community and Technical College Education to collaborate in formally adopting uniform and specific college-and career-readiness standards for English/language arts and math; providing methods for determining whether students have met the college-and career-readiness standards; requiring that an explicit focus be embedded in each course on the development of English/language arts and math skills; requiring a twelfth-grade transitional course for both English/language arts and math for students not on track to be college ready; requiring professional development on teaching the college-and career-readiness standards to be included

in the State Board's Master Plan for Professional Staff Development; requiring the state board to require all teacher preparation programs to include appropriate training for teaching adopted standards in at least grades eight through twelve; requiring the use of certain assessments, exams or tests for determining whether a student is to enroll in a remedial course; requiring accountability for increasing the percentage of students who meet the standards and for increasing the percentage of students who are making adequate progress toward meeting the standards; removing requirement applicable to annual county and school strategic improvement plans; modifying requirements for high-quality education standards for student, school and school system performance and processes; modifying requirements pertaining to a comprehensive statewide student assessment program; removing provisions relating to No Child Left Behind annual measures; modifying provisions pertaining to the state annual performance measures for school and school system accreditation; removing provisions pertaining to requiring the standards to include indicators of exemplary student, school and school system performance and progress; eliminating the Process for Improving Education Council; modifying component of system of education performance audits; expanding state board authority pertaining to the Office of Education Performance Audit's reporting formats; eliminating condition for on-site review; removing prohibition of certain duplicate reviews or inspections; removing provisions pertaining to persons who are to conduct an on-site review; removing list of areas for which the office may not review; modifying provisions pertaining to school accreditation; removing provision allowing a student to transfer from a low-performing school under certain conditions; professional development; establishing clear state-level leadership of professional development; providing findings on the importance of professional development; requiring State Board of Education to develop a master plan for professional development; requiring submission of plan to certain entities; requiring goals to be established and included in the master plan; requiring state board rules; setting forth minimum components of the rule; requiring annual report on the statewide professional development plan;

modifying language pertaining to the Strategic Staff Development Fund; modifying State Superintendent of Schools qualifications and removing his or her salary limit; requiring state superintendent to reduce the amount budgeted for personal services, related employee benefits and contractual expenditures related to employment in fiscal years 2014 and 2015; increasing the number of schools to be included in a special community development pilot program; modifying other provisions pertaining to the pilot program; requiring kindergarten and early childhood aides to transition to one of three new assistant teacher positions beginning July 1, 2014; exempting those eligible for retirement before July 1, 2020; requiring early childhood education programs to be made available five days a week for the full day; allowing program to be for fewer than five days per week and less than full day under certain circumstances; allowing parent to withdraw child for good cause; providing for local control of the school calendar; defining terms and establishing findings about the school calendar; requiring a 200-day employment term; limiting beginning and closing dates to forty-eight weeks; requiring one hundred eighty separate days of actual instruction are to be provided for students; requiring twenty noninstructional days; requiring school term to include out-of-calendar days that are to be used for instructional days in the event school is canceled; requiring county policy for adding minutes or days to school calendar for certain purpose; limiting noninstructional interruptions to instructional day; requiring state board or state superintendent approval of proposed county calendar; requiring public meetings for discussions of a school system's calendar; allowing the state board to grant a waiver to certain code sections that prevent a school system from meeting one hundred eighty instructional days; requiring state board rule to implement the calendar section provisions; modifying provisions pertaining to a process for a faculty senate to submit recommendations regarding employment to the principal; requiring state board to promulgate rule to implement the provisions relating to the process; removing language about faculty senates on instructional support and enhancement days; requiring the local board to provide at least four additional two-hour blocks of time during noninstructional days,

with each block scheduled once at least every forty-five instructional days; prohibiting principals from recommending for employment certain individuals that are related to him or her; allowing reassignment of teachers when a vacancy was not foreseen before March 1 based on pupil-teacher ratio; requiring state board to conduct a study on alternative certification programs; providing for salary bonus for classroom teachers with a National Board for Professional Teaching Standards renewal certificate; providing for reimbursement of the renewal certification fee; removing language that limits the number of board-certified teachers who can receive reimbursement per year; modifying process for filling vacancies in professional positions of employment including the criteria to be considered; allowing a county board to determine the appropriate weight to apply to each criterion except when one or more permanently employed instructional personnel apply for a classroom teaching position and meet the standards set forth in the job posting; providing that for a classroom teaching position if the recommendation of the principal and resulting from the faculty senate process are the same and the superintendent concurs, the county board is required to appoint the applicant; requiring state board rule to implement and interpret certain employment provisions; allowing released employees to be hired for certain vacancies prior to the job being posted; allowing for multiple postings within a thirty-day period under certain conditions; allowing reassignment of a teacher within his or her school upon consent of teacher and county board; creating three new types of early childhood classroom assistant teacher positions; assigning a pay grade to the new positions; modifying provisions pertaining to the length of planning periods; requiring state board study on planning periods; clarifying that not all holidays will be counted as a day of the employment term and that pay per pay period cannot change as a result; providing that snow days are not counted as days of employment or days of instruction; providing definitions; scholarships and loan assistance for teachers in critical need areas; creating loan assistance program; determining subject and geographic areas of critical need; requiring legislative rules for program administration; revising eligibility criteria and specifying

effective date; determining eligibility and awarding loan assistance; establishing criteria for inclusion in scholarship and loan assistance agreements; requiring payments to be made directly to a lending entity; requiring model contract agreements; specifying loan amount, limits and duration of loan assistance; requiring repayment under certain conditions; specifying excusal from repayment under certain conditions; and making technical corrections and deleting obsolete language.

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

Pending announcement of meetings of a select committee of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Tuesday, March 19, 2013, at 11 a.m.

TUESDAY, MARCH 19, 2013

The Senate met at 11 a.m.

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

Prayer was offered by Pastor David Trauffer, First Church of the Nazarene, South Charleston, West Virginia.

Pending the reading of the Journal of Monday, March 18, 2013,

On motion of Senator Plymale, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2046—A Bill to amend the Code of West Virginia, 1931, as amended, relating to requiring wireless telecommunications carriers to provide location information to law-enforcement agencies in emergencies; permitting wireless communications carriers to establish protocols for disclosure of location information in an emergency; limiting liability of wireless communications carriers when acting in good faith; requiring wireless telecommunications carriers and resellers to provide emergency contact information; requiring the West Virginia State Police to maintain emergency contact database; and, granting rule-making authority.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2497—A Bill to amend and reenact §30-40-11 of the Code of West Virginia, 1931, as amended, relating to application for a real estate license; requiring applicants for real estate licensure to undergo criminal history record checks; declaring the criminal history record check requirement is not against public policy; requiring applicants to submit fingerprints for the criminal history record check; requiring applicants to authorize the use of fingerprints to conduct the criminal history record check; prohibiting the release of criminal history records except in certain limited circumstances; declaring that criminal history records are not subject to the Freedom of Information Act; requiring the applicant to ensure that the criminal history record check is completed within ninety days of licensure application;

requiring the applicant to pay the actual costs of the criminal history record check; requiring the commission to promulgate a legislative rule to make the procedures and requirements consistent with federal standards before implementing the requirement for criminal history record checks; and requiring the commission to issue a license to an attorney in good standing.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill No. 2603—A Bill to repeal §48-26-404, §48-26-405, §48-26-601, §48-26-602, §48-26-901, §48-26-902, §48-26-1003, §48-26-1005, §48-26-1006 and §48-26-1007 of the Code of West Virginia, 1931, as amended; to amend and reenact §48-26-202, §48-26-203, §48-26-204, §48-26-205, §48-26-206, §48-26-301, §48-26-401, §48-26-402, §48-26-403, §48-26-406, §48-26-603, §48-26-604, §48-26-701, §48-26-1001, §48-26-1002 and §48-26-1004 of said code; and to amend said code by adding thereto nine new sections, designated §48-26-207, §48-26-208, §48-26-209, §48-26-210, §48-26-211, §48-26-212, §48-26-213, §48-26-214 and §48-26-407, all relating to the Family Protection Services Board; revising definitions; adding definitions; revising qualifications for membership on the board; adding two new members to the board; clarifying that the two ex officio members have voting privileges; providing for appointments for unexpired terms; providing appointments for members who become disqualified; clarifying the board's powers and duties; authorizing legislative rules; increasing the percentage of board funds that may be used for administrative functions; authorizing the board to develop formulas to direct funds to certain programs; prohibiting programs from falsely representing that they are licensed; authorizing the board to develop preliminary and full application forms; providing for conditional, provisional

and full licenses; authorizing the board to issue licenses for up to three years; updating provisions related to the closure of programs; authorizing the board to issue notices to cease and desist; setting forth procedures for hearings and appeals; clarifying the uses of the Domestic Violence Legal Services Fund; requiring programs to report annually to the board; updating confidentiality protections for programs participants; and including provisions related to monitored parenting and exchange programs.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2762—A Bill to amend and reenact §33-12B-1 and §33-12B-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-12B-4a, all relating to insurance; licensure of insurance adjusters; definitions, including a definition of “automated claims adjudication system”; providing exemptions for certain individuals from producer or adjuster licensure in this state; and providing exemptions for certain individuals from adjuster licensure in this state and licensing residents of other countries in this state.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2770—A Bill to amend and reenact §17A-6-7 of the Code of West Virginia, 1931, as amended, relating to permitting dealers who sell fewer than eighteen new or used motor vehicles during a year to have their dealer licenses renewed.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2819—A Bill to amend and reenact §33-31-16a of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-40-3 of said code, all relating to the financial oversight of entities regulated by the Insurance Commissioner; requiring captive insurance companies organized as risk retention groups to comply with risk-based capital for insurers' provisions and state rules; and incorporating a solvency trend test for property and casualty insurance companies.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2847—A Bill to amend and reenact §11A-1-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11A-1-7a, all relating to the collection of delinquent real property and personal property taxes by county sheriffs.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 4—Requesting the Division of Highways to rename the Rossmore

Beam Span bridge over Island Creek on State Route 44, near Monaville, Logan County, bridge number 23-44-13.14, in District 2, the “USMC CPL Larry G. Curnutte Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 6—Requesting that bridge number 23-119/5-1.00, on Route 119/5, otherwise known as the Pine Creek Road, in Pine Creek, outside of Omar, Logan County, West Virginia, be named the “Sergeant Elzie Mundy, Jr. Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 14—Requesting that bridge number 23-16-5.11 on West Virginia Route 16, Buffalo Creek Road at Amherstdale, Logan County, West Virginia, be named the “Marine LCpl Benny A Gilco Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 16—Requesting the Division of Highways to name the bridge on Route 73, crossing over Highway 5/05, in Logan, Logan County, West Virginia, the “Army Specialist-4 Harmon “Hoppy” Lee Hopson Jr. Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 38—Requesting the Division of Highways to name the bridge over the Guyandotte River at Bridge Street between Route 10 and E. McDonald Avenue, in Man, Logan County, bridge number 23-10/14-0.01, constructed in 1986, as the “James Darrell Mangrum Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 44—Requesting the Joint Committee on Government and Finance study the effectiveness and efficiency of the Supreme Court Rules on the Appeals process in West Virginia.

Referred to the Committee on the Judiciary; and then to the Committee on Rules.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 55—Requesting the Division of Highways to name the bridge known as Shavers Fork Bridge on U.S. Route 33 near Bowden in Randolph County, bridge number 42-33-18.44, as the “Trooper Brian William Linn Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 59—Requesting the Division of Highways name bridge number 40-62-20.63 in Buffalo, Putnam County, West Virginia, the “Corporal Gerry Glen Simpson Memorial Bridge, United States Army”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 68—Requesting that bridge number 10-16-21.80 carrying State Route 16 across the New River near Cotton Hill, Fayette County, West Virginia, currently named the Charles C. Rogers Bridge, be renamed the “Army Maj. Gen. Charles C. Rogers Memorial Bridge” to properly acknowledge the military title and rank of this career soldier who was awarded the nations highest military honor for bravery in Viet Nam.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Tucker, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill No. 22, Requiring maternity and contraceptive coverage for all health insurance plan dependents.

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

Com. Sub. for Senate Bill No. 22 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-15-4k; to amend said code by adding thereto a new section, designated §33-16-3w; to amend said code by adding thereto a new section, designated §33-24-7l; to amend said code by adding thereto a new section, designated §33-25-8i; and to amend said code by adding thereto a new section, designated §33-25A-8k, all relating generally to requiring health insurance coverage of maternity services in certain circumstances; providing maternity services for all individuals participating in or receiving insurance coverage under a health insurance policy if those services are covered under the policy; modifying required benefits for public employees insurance, accident and sickness insurance, group accident and sickness insurance, hospital medical and dental corporations, health care corporations and health maintenance organizations; and providing exceptions to the extent that required benefits exceed the essential health benefits specified under the Patient Protection and Affordable Care Act.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Gregory A. Tucker,
Chair.

The bill (Com. Sub. for S. B. No. 22), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill No. 201 (originating in the Committee on Health and Human Resources), Permitting expedited partner therapy.

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

Com. Sub. for Com. Sub. for Senate Bill No. 201 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-4F-1, §16-4F-2, §16-4F-3, §16-4F-4 and §16-4F-5; to amend and reenact §30-3-14 and §30-3-16 of said code; to amend and reenact §30-5-3 of said code; to amend and reenact §30-7-15a of said code; to amend and reenact §30-14-11 of said code; and to amend and reenact §30-14A-1 of said code, all relating to treatment for a sexually transmitted disease; defining terms; permitting prescribing of antibiotics to sexual partners of a patient without a prior examination of the partner; requiring patient counseling; establishing counseling criteria; requiring information materials be prepared by the Department of Health and Human Resources; providing limited liability for providing expedited partnership therapy; requiring legislative rules regarding what is considered a sexually transmitted disease; and providing that physicians, physician assistants, pharmacists and advanced nurse practitioners are not subject to disciplinary action for providing certain treatment for sexually transmitted diseases for sexual partners of a patient.

And,

Com. Sub. for Senate Bill No. 341 (originating in the Committee on Agriculture and Rural Development), Requiring livestock be enclosed by fence.

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

Com. Sub. for Com. Sub. for Senate Bill No. 341 (originating in the Committee on the Judiciary)—A Bill to repeal §19-17-5, §19-17-6, §19-17-7, §19-17-8, §19-17-10 and §19-17-11 of the Code of West Virginia, 1931, as amended; to repeal §19-18-4, §19-18-5, §19-18-6, §19-18-7, §19-18-8, §19-18-9, §19-18-10, §19-18-11 and §19-18-12 of said code; to amend and reenact §19-17-1, §19-17-2, §19-17-3 and §19-17-4 of said code; and to amend and reenact §19-18-1, §19-18-2 and §19-18-3 of said code, all relating generally to livestock; requiring livestock be enclosed by a fence; stating that fences are for grazing and livestock purposes; clarifying procedures to build, maintain and repair partition fences; requiring an adjoining landowner to pay portion of the cost of partition fence; requiring notice; providing an exception for emergency repairs; providing dispute resolution; authorizing the Commissioner of Agriculture to promulgate rules and emergency rules for fences; prohibiting livestock from trespassing; clarifying damages that may be recovered; permitting containment of livestock; requiring owner of trespassing livestock be notified; stating that containment costs may be negotiated and recovered in court; permitting the sheriff to contain unclaimed livestock; permitting unclaimed livestock be sold at auction and proceeds distributed; and establishing misdemeanor penalties.

With the recommendation that the two committee substitutes for committee substitutes do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Miller, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill No. 218, Including checkoff option on tax return for Jackson's Mill 4-H Camp.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Ronald F. Miller,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 371 (originating in the Committee on the Judiciary), Relating to prison overcrowding.

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

Com. Sub. for Com. Sub. for Senate Bill No. 371 (originating in the Committee on Finance)—A Bill to amend and reenact §25-1-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §28-5-27 of said code; to amend said code by adding thereto two new sections, designated §31-20-5g and §31-20-5h; to amend and reenact §61-7-6 of said code; to amend and reenact §62-11A-1a of said code; to amend and reenact §62-11B-9 of said code; to amend and reenact §62-11C-2, §62-11C-3 and §62-11C-6 of said

code; to amend said code by adding thereto a new section, designated §62-11C-10; to amend and reenact §62-12-6, §62-12-7, §62-12-9, §62-12-10, §62-12-13, §62-12-14a, §62-12-15, §62-12-17 and §62-12-19 of said code; to amend said code by adding thereto a new section, designated §62-12-29; to amend and reenact §62-15-2 of said code; and to amend said code by adding thereto two new sections, designated §62-15-6a and §62-15-6b, all relating to public safety; requiring the Division of Corrections to perform graduated methods of mental health screens, appraisals and evaluations on persons committed to its custody; eliminating requirement for separate disciplinary rules at each institution; mandating one year of supervised release for violent inmates and deducting one year of their good time; mandating one hundred eighty days of supervised release for nonviolent inmates; setting an effective date for supervised release provisions; requiring the Commissioner of Corrections to adopt policies regarding mandatory supervised release; requiring the West Virginia Regional Jail Authority and Correctional Facility to use a standardized pretrial risk-screening instrument adopted by the Supreme Court of Appeals of West Virginia to screen persons arrested and placed in a regional jail; requiring the Division of Corrections to develop and implement a cognitive behavioral program for inmates in regional jails committed to the custody of the Commissioner of Corrections and requiring the Division of Corrections to pay its cost; exempting parole officers from prohibitions against carrying concealed weapons; moving definition of "day report center" to section relating to conditions of release on probation; providing standards and limitations under which judges and magistrates may impose a period of supervision or participation in day report program; clarifying language regarding confinement and revocation for violations of the conditions of home incarceration; adding representative of the Bureau for Behavioral Health and Health Facilities to the community corrections subcommittee of the Governor's Committee on Crime, Delinquency and Correction; requiring that the community corrections subcommittee review, assess and report on the implementation of evidence-based practices in the criminal justice system; adding member with a background

in substance abuse treatment and services to the community criminal justice boards to be appointed by the commission or commissions of the county or counties represented by the board; providing oversight responsibility to Division of Justice and Community Services to implement standardized risk and needs assessment, evaluate effectiveness of other modifications to community corrections programs and provide annual report; requiring probation officers to conduct a standardized risk and needs assessment for individuals placed on probation and to supervise probationer and enforce probation according to assessment and supervision standards adopted by the West Virginia Supreme Court of Appeals; requiring probation officers to perform random drug and alcohol tests of persons under their supervision; authorizing the Supreme Court of Appeals of West Virginia to adopt a standardized risk and needs assessment for use by probation officers; authorizing the Supreme Court of Appeals of West Virginia to adopt a standardized pretrial screening instrument for use by the Regional Jail Authority; providing standards and limitations under which judges may impose a term of reporting to a day report center as a condition of probation; authorizing day report center programs to provide services based on the results of a person's standardized risk and needs assessment; providing for graduated sanctions in response to violations of the conditions of release on probation other than absconding or committing certain new criminal conduct; creating exceptions to new criminal conduct provisions; requiring copies of graduated sanctions confinement orders be supplied to the Commissioner of Corrections; providing that graduated sanctions confinement be paid by the Division of Corrections; revising eligibility requirements for accelerated parole program; requiring that Division of Corrections' policies and procedures for developing a rehabilitation treatment plan include the use of substance abuse assessment tools and prioritize treatment resources based on the risk and needs assessment and substance abuse assessment results; providing for rebuttable presumption that parole is appropriate for inmates completing the accelerated parole program and a rehabilitation treatment program; providing standards and limitations for Parole Board; outlining duties of the

Division of Corrections to supervise, treat and provide support services for persons released on mandatory supervised release; removing temporal standard for requirement that the Parole Board have access to a copy of an inmate's physical, mental or psychiatric examination; authorizing Division of Corrections to employ directors of housing and employment for released inmates with duties relating to the reduction of parole release delays and finding employment; requiring parole officers to update the standardized risk and needs assessment for each person for whom an assessment has not been conducted for parole and to supervise each person according to the assessment and the commissioner's supervision standards; authorizing the Commissioner of Corrections to issue a certificate authorizing an eligible parole officer to carry firearms or concealed weapons; providing standards and limitations under which the Division of Corrections may order substance abuse treatment or impose a term of reporting to a day report center or other community corrections program as a condition or modification of parole; authorizing the Commissioner of Corrections to enter into a master agreement with the Division of Justice and Community Services to reimburse counties for use of the community corrections programs; clarifying that parolee participation in community corrections is at program director's discretion; providing for graduated sanctions in response to violations of the conditions of release on parole other than absconding or certain new criminal conduct; providing a parolee with the right to a hearing, upon request, regarding whether he or she violated the conditions of his or her release on parole; providing that graduated sanctions incarceration for parolees be paid for by Division of Corrections; providing for a Community Supervision Committee to be appointed by the Administrative Director of the Supreme Court of Appeals of West Virginia to coordinate the sharing of information for community supervision and requiring submittal of an annual report; revising definitions for Drug Offender Accountability and Treatment Act; providing standards and limitations under which judges may order treatment supervision for drug offenders; requiring the Division of Justice and Community Services to use appropriated funds to implement substance abuse treatment to

serve those under treatment supervision in each judicial circuit; providing an effective date regarding standards and limitations; providing that the Division of Justice and Community Services in consultation with the Governor's Advisory Committee on Substance Abuse is responsible for developing standards relating to quality and delivery of substance abuse services, requiring certain education and training, paying for drug abuse assessments and certified drug treatment from appropriated funds, requiring submittal of an annual report and specifying an effective date; outlining duties of treatment supervision service providers; providing for state payment of drug court participants' incarceration under certain circumstances; defining terms; and making technical changes.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. No. 371) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 404, Defining certain habitually absent student as neglected child.

And,

Senate Bill No. 407, Requiring cellular and phone companies provide certain information to Bureau for Child Support Enforcement.

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

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Tucker, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill No. 443, Increasing minimum proof of financial responsibility in motor vehicle insurance coverage.

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

Com. Sub. for Senate Bill No. 443 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §17A-6-10b of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-6C-2 of said code; to amend and reenact §17C-22-2 of said code; to amend and reenact §17D-4-2, §17D-4-7 and §17D-4-12 of said code; and to amend and reenact §33-6-31 and §33-6-31d of said code, all relating to the minimum proof of financial responsibility in motor vehicle insurance coverage; increasing minimum proof of financial responsibility amounts; changing sections that refer to the specific prior financial responsibility

amounts to now refer to the amounts specified in section two, article four, chapter seventeen-d of said code; and minimizing the administrative burden by not requiring new insurance offers and new forms for making offers of uninsured and underinsured coverage.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Gregory A. Tucker,
Chair.

The bill (Com. Sub. for S. B. No. 443), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Tucker, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill No. 458, Permitting PEIA health plans to operate on calendar-year basis.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Gregory A. Tucker,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Facemire, from the Committee on Energy, Industry and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry and Mining has had under consideration

Senate Bill No. 462, Extending time for informal conferences on surface mining permit applications.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Douglas E. Facemire,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Miller, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill No. 470, Permitting wine sale on Sunday mornings at fairs and festivals.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ronald F. Miller,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Agriculture and Rural Development pending.

Senator Facemire, from the Committee on Energy, Industry and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry and Mining has had under consideration

Senate Bill No. 488, Relating to property crimes committed against coal mines and industrial facilities.

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

Com. Sub. for Senate Bill No. 488 (originating in the Committee on Energy, Industry and Mining)—A Bill to amend and reenact §61-3-29 of the Code of West Virginia, 1931, as amended, relating to prohibiting damage to property of railroads, public utilities and certain production and distribution facilities; adding waste management facilities, storage facilities and timber operations to the protected properties; prohibiting destruction, damage or removal of property resulting in impairment to the normal, safe operation of those facilities; and providing criminal penalties.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Douglas E. Facemire,
Chair.

The bill (Com. Sub. for S. B. No. 488), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Miller, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill No. 504, Relating to cooperative associations.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ronald F. Miller,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Tucker, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill No. 506, Relating to residency requirement of state-chartered banking institution directors.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Gregory A. Tucker,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senator Snyder:

Senate Bill No. 564—A Bill to amend and reenact §8-16-5 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum construction cost of a municipal public works project before competitive bidding is required.

Referred to the Committee on Government Organization.

By Senator Snyder (By Request):

Senate Bill No. 565—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-10d, relating to the creation of a reverse auction pilot program for purchasing office supplies; outlining criteria for the Director of

the Purchasing Division to consider in determining whether use of the reverse auction pilot program is appropriate; defining “reverse auction”; permitting third-party vendors to administer reverse auctions; affording the Director of the Purchasing Division rule-making authority to implement the reverse auction pilot program; and providing that the reverse auction pilot program expires on July 1, 2017.

Referred to the Committee on Government Organization.

By Senator Snyder:

Senate Bill No. 566—A Bill to amend and reenact §24-2-4b of the Code of West Virginia, 1931, as amended, relating to permitting Class III cities and Class IV towns and villages to opt into rate regulation by the Public Service Commission; setting forth the procedure; establishing that an enacted municipal rate is presumed to be lawful; setting forth a rate review procedure; setting forth a procedure to determine allegations of rate discrimination; lengthening certain time periods; and permitting those Class III cities and Class IV towns and villages who have opted into regulation by the Public Service Commission to opt out only by order of the commission.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Walters and D. Hall:

Senate Bill No. 567—A Bill to amend and reenact §16-2D-6 of the Code of West Virginia, 1931, as amended, relating to certificate of need; and establishing a definition of “no significant additional fiscal burden” in the minimum criteria for certificate of need reviews when an application is made by a hospital, nursing home or other health care facility to provide ventilator services which have not previously been provided for a nursing facility bed.

Referred to the Committee on Health and Human Resources; and then to the Committee on Government Organization.

By Senators Palumbo, Cookman, Stollings, Unger, Yost, Plymale, Fitzsimmons, McCabe and Miller:

Senate Bill No. 568—A Bill to amend and reenact §18A-5-1a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18A-5-1d, all relating to expulsion of students; providing school boards, school superintendents and principals with the option to allow certain expelled students to participate in Juvenile Drug Court; allowing the court to determine if the individual is an appropriate candidate; requiring those students to be subject to the court's jurisdiction and all sanctions available to the Juvenile Drug Court; and authorizing reinstatement to school by a shortening of the expulsion term upon successful completion of Juvenile Drug Court.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

By Senators Green, McCabe, Beach, Williams, Miller and D. Hall:

Senate Bill No. 569—A Bill to amend and reenact §29-3-11 of the Code of West Virginia, 1931, as amended, relating to the appointment of the State Fire Marshal with the advice and consent of the Senate.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Beach, Miller, D. Hall and Wells:

Senate Bill No. 570—A Bill to repeal §3-1-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-1-2a, §3-1-4, §3-1-21, §3-1-21a, §3-1-22, §3-1-26, §3-1-32, §3-1-36, §3-1-37, §3-1-38, §3-1-39, §3-1-41, §3-1-42 and §3-1-49 of said code, all relating to cleaning up outdated language in article one, chapter three of the West Virginia Code.

Referred to the Committee on the Judiciary.

By Senators D. Hall and Green:

Senate Bill No. 571—A Bill to extend the time for the city council of the city of Oceana, Wyoming County, to meet as a levying body for the purpose of presenting to the voters of the city an election to supplement current funds for the city park and pool operation and for the purpose of paying all costs incurred in the laying of this additional levy from between the seventh and twenty-eighth days of March and the third Tuesday in April until May 31, 2013.

Referred to the Committee on Government Organization.

By Senator Cookman:

Senate Bill No. 572—A Bill to amend and reenact §12-3-18 of the Code of West Virginia, 1931, as amended, relating to claims against counties, school districts or municipalities.

Referred to the Committee on Government Organization.

By Senator Cookman:

Senate Bill No. 573—A Bill to amend and reenact §18-9-3a of the Code of West Virginia, 1931, as amended, relating to publication of financial statements by county boards of education; providing that only a notice of availability of the statement be published; and providing that the cost of publishing the notice be paid from the board's general fund.

Referred to the Committee on Education.

Senators Palumbo, Chafin, Stollings, Unger, McCabe and Wells offered the following resolution:

Senate Concurrent Resolution No. 24—Requesting the Division of Highways to name U. S. Route 60 from milepost 31.50 to milepost 40.00 in Kanawha County the “Lou Tabit Highway”.

Whereas, Lou Tabit was born on July 24, 1932, in Montgomery, Fayette County, to Andrew and Frieda Tabit, immigrants from Lebanon; and

Whereas, Lou Tabit graduated from Montgomery High School (now Valley High School), obtained an accounting degree from University of Notre Dame in 1954 and then proceeded to obtain his doctor of jurisprudence degree from Georgetown University Law Center in 1957; and

Whereas, Lou Tabit married Norma Hanshaw and was blessed with two children, Mark and Janet; and

Whereas, Lou Tabit practiced law for fifty years and also worked in state government, serving as a special assistant attorney general, Director of the Business Occupation Tax Division and as a state tax hearing examiner; and

Whereas, Lou Tabit has worked for over fifty years to improve the quality of life of the citizens in the Upper Kanawha Valley in Kanawha and Fayette counties; and

Whereas, Lou Tabit recognized that an improved U. S. Route 60 would provide a safe commute for the local citizens and the students that attend West Virginia University School of Technology; and

Whereas, Lou Tabit created and chairs the Committee to Upgrade U. S. Route 60 to work with the West Virginia Division of Highways to upgrade U. S. Route 60 to a four-lane highway; and

Whereas, Lou Tabit successfully worked with the late Senator Robert C. Byrd and in 2010, the Division of Highways was awarded \$4.5 million to repair slides along U. S. Route 60; and

Whereas, In May 2012, the Kanawha County Commission recognized the efforts of Lou Tabit to improve U. S. Route 60 and proclaimed Lou Tabit to be an honorary citizen of Kanawha County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name U. S. Route 60 from milepost 31.50 to milepost 40.00 in Kanawha County the “Lou Tabit Highway”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the highway, containing bold and prominent letters, proclaiming this roadway to be the “Lou Tabit Highway”; 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, to the Kanawha County Commission and to Mr. Lou Tabit and his children, Mark Tabit and Mary Janet Tabit.

Which, under the rules, lies over one day.

Senators Wells, Walters, McCabe, Palumbo, Stollings, Kessler (Mr. President), Unger, Yost, Beach, Tucker, Plymale and D. Hall offered the following resolution:

Senate Resolution No. 39—Designating March 19, 2013, as “West Virginia State University Day”.

Whereas, West Virginia State University was founded under the provisions of the Second Morrill Act of 1890, as the West Virginia Colored Institute, one of seventeen land-grant institutions authorized by Congress and designated by the states; and

Whereas, In 1927, under the leadership of President John W. Davis, through the expansion of academic programs and the construction of new buildings, the institution was accredited by the North Central Association and holds the longest continuous accreditation of any college or university in West Virginia; and

Whereas, In 1929, the institution became known as West Virginia State College and over the next decades West Virginia State College

was recognized as one of the leading public institutions of higher education for African-Americans; and

Whereas, In 1954, the United States Supreme Court gave its historic decision outlawing school segregation and West Virginia State College rapidly transitioned to an integrated institution. The University now serves a predominantly white, nontraditional aged, commuter population; and

Whereas, In 2004, the West Virginia Legislature approved the transition to university status; and

Whereas, West Virginia State University now offers seventy-two academic program options, leading to twenty-one baccalaureate and four master's degrees; and

Whereas, West Virginia State University is actively working with other state institutions of higher education to create additional pathways for degree-seeking students; and

Whereas, As one of only two land-grant institutions in the state, West Virginia State University's Extension Service serves twenty-nine counties daily. These services aid approximately fifteen thousand people throughout the year, including ten thousand children through summer food programs; and

Whereas, As a regional research institution, West Virginia State University contributes significantly to state economic development efforts in the areas of biotechnology, plant, microbial and animal research; and

Whereas, With every dollar the state invests in West Virginia State University, the university generates nearly \$16 spent in the West Virginia economy, resulting in an estimated economic output of \$254 million per year; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 19, 2013, as “West Virginia State University Day”; and, be it

Further Resolved, That the Senate hereby recognizes West Virginia State University for its tremendous contributions to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Dr. Brian O. Hemphill, President of West Virginia State University.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

Senate Concurrent Resolution No. 22, Requesting DOH name bridge in Kanawha County “Joseph Albert ‘Joey’ King, Jr., Memorial Bridge”.

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

Senate Concurrent Resolution No. 23, Requesting DOH name bridge in Wyoming County “Reverend Edward and Mary Mullins Memorial Bridge”.

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

The Senate proceeded to the eighth order of business.

Eng. Senate Bill No. 183, Updating terms in Corporation Net Income Tax Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Chafin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 183) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Chafin—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 183) takes effect from passage.

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

Eng. Senate Bill No. 208, Making supplementary appropriation from State Fund, General Revenue, to Department of Commerce, Division of Labor, and DHHR, Division of Human Services.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Chafin—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 208) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Chafin—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 208) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill No. 358, Relating to municipal policemen and firemen pensions.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Chafin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 358) passed.

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

Eng. Com. Sub. for Senate Bill No. 358—A Bill to amend and reenact §8-22-18a, §8-22-19a and §8-22-25 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §8-22-18c; and to amend and reenact §8-22A-4 and §8-22A-9 of said code, all relating to municipal

policemen and firemen pensions; providing additional investigatory and legal powers and duties of the West Virginia Municipal Pensions Oversight Board; liability disclaimer for board acts or omissions concerning investigatory or legal actions; requiring certain notice of lawsuit to the West Virginia Municipal Pensions Oversight Board; limiting certain court orders under certain circumstances; clarifying refunds to members; clarifying circumstances in which a member may retire when the member's service has been interrupted by duty with the armed forces of the United States; extending the cut-off date for the West Virginia Municipal Police Officers and Firefighters Retirement System plan to 2017; and continuing the municipality's disability retirement purchase requirement until 2017.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Chafin—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 358) takes effect from passage.

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

Eng. Senate Bill No. 446, Conforming motor fuel taxes with International Fuel Tax Agreement.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Chafin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 446) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Chafin—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 446) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 27, Relating to administration of opioid antidote in emergency situations.

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

Senate Bill No. 441, Relating to withdrawal of erroneous state tax liens.

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

Com. Sub. for Senate Bill No. 477, Relating to electronic registration of voters.

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

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Walters and Wells.

On motion of Senator Unger, a leave of absence for the day was granted Senator Chafin.

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Wednesday, March 20, 2013, at 11 a.m.

WEDNESDAY, MARCH 20, 2013

The Senate met at 11 a.m.

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

Prayer was offered by Elder Bobby Robinson, All Nations Revival Center, Dunbar, West Virginia.

Pending the reading of the Journal of Tuesday, March 19, 2013,

On motion of Senator Williams, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2013, and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2861—A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended, relating to continued enrollment of at-risk student in public school while enrolled in an alternative program that meets certain conditions; making legislative findings on at-risk students, discouraged and defeated learners and purpose for authorizing continued enrollment; authorizing county superintendent to approve continued enrollment; providing conditions under which continued enrollment may be approved; and eliminating required annual report on cooperation with challenge academy.

Referred to the Committee on Education.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 45—Requesting that bridge number 21-15-8.77 on West Virginia Route 15, in Lewis County, West Virginia, be named the “Army PFC French E. Marsh Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 46—Requesting the Division of Highways to name bridge number 21-23-7.67 on Route 23 in Lewis County, the “Martha Ellen Taylor & Sons Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 58—Requesting the Division of Highways to name the bridge located at Sauls Run Rte 119\21, Lewis County, specifically bridge number 21-119\21-1.77, the “Marine Lance Corporal Michael Steven Garrett Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 10, Permitting independent initiation of disciplinary proceedings by certain licensing boards.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill No. 11 (originating in the Committee on Health and Human Resources), Relating to schedules of controlled substances.

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

Com. Sub. for Com. Sub. for Senate Bill No. 11 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §60A-1-101 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-2-204, §60A-2-206, §60A-2-208, §60A-2-210 and §60A-2-212 of said code; and to amend and reenact §60A-3-308 of said code, all relating generally to modifying and updating schedules of controlled substances; modifying and including

definitions; adding and adjusting certain substances to schedules of controlled substances; limiting hydrocodone prescriptions to a thirty-day supply and three months without renewal; removing certain substances from schedules of controlled substances; and updating West Virginia schedules of controlled substances to include certain substances found in the federal schedules of controlled substances.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill No. 190, Relating to public-private transportation projects funding.

And has amended same.

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

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 228, Authorizing Broadband Deployment Council promulgate legislative rule relating to broadband deployment grants programs.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 281, Authorizing DMV promulgate legislative rule relating to denial, suspension, revocation, disqualification, restriction, nonrenewal, cancellation, administrative appeals and reinstatement of motor vehicle operating privileges.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Transportation and Infrastructure pending.

Senator Yost, from the Committee on Labor, submitted the following report, which was received:

Your Committee on Labor has had under consideration

Senate Bill No. 334, Requiring certain public works employees complete construction safety program.

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

Com. Sub. for Senate Bill No. 334 (originating in the Committee on Labor)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3-22, relating to requiring onsite employees at certain public works construction projects to complete an Occupational Safety and Health Administration-approved ten-hour construction safety program; requiring the retention of training records; authorizing the Commissioner of Labor to issue cease-and-desist notices; providing civil penalties for violations; providing criminal penalties for exhibiting false documents; and exempting certain persons.

And,

Senate Bill No. 516, Modifying bond requirement for closing-out sales, fire sales and defunct business sales.

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

Com. Sub. for Senate Bill No. 516 (originating in the Committee on Labor)—A Bill to amend and reenact §47-11B-9 of the Code of West Virginia, 1931, as amended, relating to the bond required for closing-out sales, fire sales and defunct business sales; conditioning issuance of a license upon the posting of a bond; clarifying that the face amount of the bond is determined from the inventory of goods to be sold; and changing the authority for the approval of the form of bond from the local prosecuting attorney to the Commissioner of Labor.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Jack Yost,
Chair.

The bills (Com. Sub. for S. B. Nos. 334 and 516), under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Yost, from the Committee on Labor, submitted the following report, which was received:

Your Committee on Labor has had under consideration

Senate Bill No. 355, Relating to final wage payment to discharged employees.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Jack Yost,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Labor pending.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 449, Relating to disposal of certain electronic devices.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Government Organization pending.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 461, Relating to procedures and protections for child witnesses in domestic relations proceedings.

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

Com. Sub. for Senate Bill No. 461 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto four new sections, designated §48-1-401, §48-1-402, §48-1-403 and §48-1-404; to amend said code by adding thereto a new article, designated §49-1A-1, §49-1A-2, §49-1A-3 and §49-1A-4; and to amend and reenact §62-6B-2, §62-6B-3 and §62-6B-4 of said code, all relating to child witnesses; creating procedures and protections for child witnesses in domestic relations and child abuse and neglect proceedings; amending procedures and protections for child witnesses in criminal proceedings; setting forth the rights of child witnesses; establishing the procedure and safeguards to be used when taking testimony of a child witness; setting criteria that a court should use when addressing child witnesses; permitting a court in certain instances to permit a child witness to give testimony by closed-circuit television; establishing certain procedures to be used when taking testimony of a child witness by closed-circuit television; protecting recordings made of statements by child witnesses; providing for confidentiality; providing for criteria for instances when the child witness may also be a victim; permitting a support person and other accommodations for a child witness in certain situations; defining terms; increasing the age of a child witness in criminal cases; adjusting findings that must be made with regard to certain child witnesses; updating procedures for taking testimony of child witnesses by closed-circuit television in criminal cases; removing the option from criminal defendants to absent themselves from the courtroom during child

witness testimony in lieu of testimony by closed-circuit television; providing additional accommodations available to a court for child witnesses in criminal cases; and setting requirements for use of recordings of child witnesses.

And,

Senate Bill No. 534, Correcting internal code reference regarding insurance information disclosure.

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

Com. Sub. for Senate Bill No. 534 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §33-6F-2 of the Code of West Virginia, 1931, as amended, relating to correcting an internal reference of the code with regard to insurance information disclosure.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 489, Permitting community enhancement districts to decrease annual property assessments.

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

Respectfully submitted,

Herb Snyder,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 510, Permitting state employees be appointed to state officer position without pay reduction.

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

Com. Sub. for Senate Bill No. 510 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6-7-2b, relating to exception to limitation on salaries of certain appointive state officers.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

The bill (Com. Sub. for S. B. No. 510), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 522, Relating to collection and processing of certain court fees.

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

Com. Sub. for Senate Bill No. 522 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §8-10-2a and §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §8-11-1 and §8-11-1a of said code; and to amend and reenact §50-3-2a of said code, all relating to the collection and processing of court costs, fines, forfeitures, penalties and collateral consequences of nonpayment or failure to appear; requiring certain collection processes occur after an appeal has concluded; reducing certain time requirements for notification to the Division of Motor Vehicles; requiring notice between thirty and ninety days to the Division of Motor Vehicles for failure to appear in certain situations and stipulating the subsequent suspension lasts until the citation is resolved satisfactorily; permitting tax refund withholding if certain amounts remain unpaid for a year or persons fail to appear for a year to municipal court; and providing for a fee on all municipal offenses to be paid to the Regional Jail and Correctional Facility Authority Fund and municipal administrative costs.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

The bill (Com. Sub. for S. B. No. 522), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill No. 523, Making supplementary appropriation of unappropriated moneys to various accounts.

Senate Bill No. 524, Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOT.

Senate Bill No. 525, Making supplementary appropriation of federal funds to various accounts.

And,

Senate Bill No. 526, Making supplementary appropriation of federal funds to DHHR, Division of Human Services-Temporary Assistance for Needy Families.

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

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 540, Permitting Ohio County Commission levy special district excise tax.

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

Com. Sub. for Senate Bill No. 540 (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to permitting the Ohio county commission to levy a special district excise tax; increasing the Fort Henry economic opportunity development project district from three hundred to five hundred contiguous acres of land; and permitting the Monongalia county commission to levy a special district excise tax for University Towne Center comprising approximately one thousand four hundred fifty contiguous acres of land.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

The bill (Com. Sub. for S. B. No. 540), under the original double committee reference, was then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 544, Scheduling departmental performance reviews.

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

Com. Sub. for Senate Bill No. 544 (originating in the Committee on Government Organization)—A Bill to amend and reenact §4-10-8 of the Code of West Virginia, 1931, as amended, relating to the schedule of departments for agency review.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Herb Snyder,
Chair.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 553, Relating to Highway Design-Build Pilot Program.

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

Com. Sub. for Senate Bill No. 553 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17-2D-2 and §17-2D-5 of the Code of West Virginia, 1931, as amended, all relating to the continuation of the Highway Design-Build Pilot Program; changing the name to the Highway Design-Build Program; removing the sunset date of the program; modifying limitations on design-build projects; requiring identification of

design-build projects; modifying reporting requirements; and requiring annual reporting.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill (Com. Sub. for S. B. No. 553), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Military has had under consideration

Eng. House Bill No. 2361, Relating to the definition of “eligible veteran” for certain state training and employment preference benefits.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Erik P. Wells,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Kessler (Mr. President), Beach, Chafin, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Laird, Miller, Snyder, Stollings, Unger, Yost, Plymale, Cookman and Wells:

Senate Bill No. 574—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-16-1, §21-16-2 and §21-16-3, all relating to requiring the use of American manufactured goods in the construction, alteration or repair of public buildings and public works; and definitions.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators McCabe, Edgell, Walters, Wells, Kessler (Mr. President), Unger and Miller:

Senate Bill No. 575—A Bill to amend and reenact §18-9A-11 of the Code of West Virginia, 1931, as amended, relating to computing local share of public education support; finding the benefit of public libraries as a part of the system of public education; and providing for equal treatment of county boards of education in funding public libraries as a part of the system of public education.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Jenkins, McCabe, Kessler (Mr. President), Plymale, Chafin and D. Hall:

Senate Bill No. 576—A Bill to amend and reenact §33-3-14d

of the Code of West Virginia, 1931, as amended; and to amend and reenact §36-8-13 of said code, all relating to providing for the transfer of moneys from the Unclaimed Property Trust Fund to the Municipal Pensions and Protection Fund for the purpose of satisfying certain amounts due to policemen's and firemen's pension and relief funds; providing that the Municipal Pension Oversight Board or other entity may not seek to recover from a relief or pension fund, the Teachers Retirement System or the state any overpayments received from the Municipal Pensions and Protection Fund; and that the overpayments are not subject to recovery, offset or litigation.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senators Beach, Blair, Cann, Carmichael, Cole, Cookman, Edgell, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Prezioso, Snyder, Tucker, Unger, Walters, Wells, Williams, Yost, Stollings, Kessler (Mr. President) and Plymale:

Senate Bill No. 577—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-48, relating to requiring county boards of education to allow students with special needs to participate in graduation ceremonies with their peers; and prohibiting county boards from denying special needs services to a student due to participating in the graduation ceremonies.

Referred to the Committee on Education.

By Senators Beach and Plymale:

Senate Bill No. 578—A Bill to amend and reenact §17A-3-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17D-2A-2, §17D-2A-5 and §17D-2A-7 of said code, all relating to requiring a certificate of insurance in order to register and operate a motor vehicle; requiring proof of insurance when registering a motor vehicle; requiring a certificate of insurance to

be in effect during the entire term of the vehicle registration period; permitting a discretionary electronic acknowledgment exception; clarifying that certain security provisions do not apply to commercial vehicles insured under commercial auto coverage; removing the requirement that insurance companies must notify the Division of Motor Vehicles when a policy holder's vehicle insurance has been canceled; removing an outdated reporting requirement; clarifying and increasing the penalties for vehicle owners who do not have the required security in effect; replacing the driver's license suspension penalty of a person who knowingly operates a vehicle without the required security with a provision stating that a person who is not the vehicle owner and who is convicted of operating a motor vehicle that does not have the required security shall have the conviction placed on the driver's license record; and prohibiting the Division of Motor Vehicles from taking action against a person cited for driving without insurance if the citation is received by the division more than one year from the date of the offense.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senators Beach, Miller and D. Hall:

Senate Bill No. 579—A Bill to repeal §3-3-2a, §3-3-3a and §3-3-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-3-1, §3-3-2, §3-3-3, §3-3-4, §3-3-5, §3-3-5a, §3-3-5b, §3-3-5c, §3-3-8, §3-3-10 and §3-3-11 of said code; and to amend said code by adding thereto two new sections, designated §3-3-3b and §3-3-3c, all relating to absentee and early in-person voting; and cleaning up and updating existing language in the code.

Referred to the Committee on the Judiciary.

By Senator Stollings:

Senate Bill No. 580—A Bill to repeal §30-4-8a, §30-4-10a, §30-4-25, §30-4-26, §30-4-27, §30-4-28 and §30-4-29 of the Code of West Virginia, 1931, as amended; to repeal §30-4A-6a, §30-4A-6b, §30-4A-6c, §30-4A-6d and §30-4A-18 of said code; to repeal §30-

4B-5, §30-4B-6, §30-4B-7 and §30-4B-8 of said code; to amend and reenact §30-4-1, §30-4-2, §30-4-3, §30-4-4, §30-4-5, §30-4-6, §30-4-7, §30-4-8, §30-4-9, §30-4-10, §30-4-11, §30-4-12, §30-4-13, §30-4-14, §30-4-15, §30-4-16, §30-4-17, §30-4-18, §30-4-19, §30-4-20, §30-4-21, §30-4-22, §30-4-23 and §30-4-24 of said code; to amend and reenact §30-4A-1, §30-4A-2, §30-4A-3, §30-4A-4, §30-4A-5, §30-4A-6, §30-4A-7, §30-4A-8, §30-4A-9, §30-4A-10, §30-4A-11, §30-4A-12, §30-4A-13, §30-4A-14, §30-4A-15, §30-4A-16 and §30-4A-17 of said code; and to amend and reenact §30-4B-1, §30-4B-2, §30-4B-3 and §30-4B-4 of said code, all relating to the practice of dentistry; prohibiting the practice of dentistry without a license; providing other applicable sections; providing definitions; providing for board composition; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license, certification and permit requirements; creating a scope of practice; creating a temporary permit; establishing renewal requirements; providing for exemptions from licensure; providing requirements for the display of a board authorization; permitting the board to file an injunction; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; providing criminal penalties; and updating references.

Referred to the Committee on Health and Human Resources; and then to the Committee on Government Organization.

By Senators Kirkendoll, Kessler (Mr. President), Beach, Barnes and Fitzsimmons:

Senate Bill No. 581—A Bill to amend and reenact §59-1-10 and §59-1-11 of the Code of West Virginia, 1931, as amended, all relating to increasing certain filing fees in certain civil actions; establishing new filing fees in certain civil actions; and requiring that those new and increased fees be deposited in the existing Fund for Civil Legal Services for Low-Income Persons and an amount retained by the clerk's office.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Palumbo, Carmichael, Cole, Cookman, M. Hall, Jenkins, Stollings, Tucker and Williams:

Senate Bill No. 582—A Bill to amend and reenact §55-10-1, §55-10-2, §55-10-3, §55-10-4, §55-10-5, §55-10-6, §55-10-7 and §55-10-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto twenty-four new sections, designated §55-10-9, §55-10-10, §55-10-11, §55-10-12, §55-10-13, §55-10-14, §55-10-15, §55-10-16, §55-10-17, §55-10-18, §55-10-19, §55-10-20, §55-10-21, §55-10-22, §55-10-23, §55-10-24, §55-10-25, §55-10-26, §55-10-27, §55-10-28, §55-10-29, §55-10-30, §55-10-31 and §55-10-32, all relating generally to arbitration; defining terms; defining notice under the article; defining when article applies; proscribing the effect of agreements to arbitrate and defining nonwaivable provisions; allowing for application for judicial relief under the article; making an agreement to arbitrate valid unless a legal or equitable reason for revocation exists; providing for the terms by which arbitration may continue if challenged; providing for the process for motions to compel or stay arbitration; providing for provisional remedies to protect the effectiveness of arbitration proceedings; providing the process for initiation of arbitration; providing for the consolidation of separate arbitration proceedings; providing for the appointment of an arbitrator and default process if not agreed by the parties; requiring neutrality of arbitrators; requiring disclosure by arbitrators of matters affecting impartiality; requiring a majority of arbitrators to agree to exercise powers; providing immunity for arbitrators, requiring competency to testify and providing for attorneys' fees and costs for challenges from which arbitrators are immune; providing the general process for arbitration; allowing parties to be represented by a lawyer in arbitrations; outlining the procedure for witnesses, subpoenas, depositions and discovery in arbitrations; providing for judicial enforcement of preaward ruling by arbitrator; providing for a record of an award and the requirements for an award; allowing the change of an award by

an arbitrator upon motion under certain conditions; providing that certain remedies and the fees and costs of arbitration may be a part of an arbitration award; allowing for confirmation by a court of an award upon motion; providing the process and grounds for vacating an award by a court; providing the process and grounds for the modification or correction of an award upon motion; providing that a court shall enter a judgment upon confirmation of an award and may add reasonable attorneys' fees and costs; providing for jurisdiction over arbitration agreements by a court of this state; providing venue; providing that appeals may be taken from orders related to arbitration proceedings; requiring uniform construction of the act; providing that this act complies with the Electronic Signatures in Global and National Commerce Act; and providing the effective date of the act.

Referred to the Committee on Interstate Cooperation; and then to the Committee on the Judiciary.

By Senator Kirkendoll:

Senate Bill No. 583—A Bill to amend and reenact §16-5V-9 of the Code of West Virginia, 1931, as amended, relating to transfer from Public Employees Retirement System to the Emergency Medical Services Retirement System; and providing that a transferring director has thirty-six months from the date of application to pay all associated costs.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senators Cann, Green, Wells, Walters, Palumbo, Laird, Miller, Tucker, Snyder, Kessler (Mr. President), Kirkendoll, Stollings, Cookman, Plymale and Fitzsimmons:

Senate Bill No. 584—A Bill to amend and reenact §62-11C-5 and §62-11C-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §62-11F-1, §62-11F-2, §62-11F-3, §62-11F-4 and §62-11F-5, all relating to authorizing community corrections programs to

operate pretrial release program; legislative findings; establishing guidelines; and setting fees.

Referred to the Committee on the Judiciary.

By Senators Palumbo, Cookman and Kessler (Mr. President):

Senate Bill No. 585—A Bill to amend and reenact §37-6-30 of the Code of West Virginia, 1931, as amended, relating to maintaining residential property in a habitable condition; requiring delivery of a brochure on mold and moisture at the commencement of a tenancy; specifically including accumulation of moisture and growth of mold as an example of what can cause a residential property to be unfit or uninhabitable; and clarifying that a landlord cannot use nonpayment of rent as an excuse to not make necessary repairs when the landlord was notified of the need for repairs prior to the nonpayment of rent and did not take sufficient action.

Referred to the Committee on the Judiciary.

Senator Unger offered the following resolution:

Senate Concurrent Resolution No. 25—Requesting the Joint Committee on Government and Finance study how West Virginia can create new jobs, increase industrial competitiveness and reduce emissions through development and deployment of distributed electricity generation technologies, including industrial cogeneration and energy recycling.

Whereas, Distributed generation offers many potential benefits, including enhanced grid stability, deferred transmission and distribution system upgrades and local job creation; and

Whereas, Development of West Virginia's cogeneration potential provides an opportunity to use some of West Virginia's natural gas resources for economic development within the state; and

Whereas, Cogeneration is a more efficient use of fossil fuels, providing reductions in greenhouse gas emissions and other pollutants; and

Whereas, The recent Executive Order No. 13624 established the development of combined heat and power (cogeneration) as a national priority; and

Whereas, Several distributed generation projects that would have provided jobs and local economic development in West Virginia have stalled due to an inability to obtain a fair price for power sales to the grid; and

Whereas, West Virginia's utility companies have no incentive to purchase the power from distributed generation projects under long-term contracts that would make the development of those projects financially feasible; and

Whereas, Other states have enacted policies ensuring that distributed generation developers can receive a fair price for their electricity; and

Whereas, A thorough study is necessary to understand the barriers to developing distributed generation systems in West Virginia and policies to effectively remove those barriers; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study how West Virginia can create new jobs, increase industrial competitiveness and reduce emissions through development and deployment of distributed electricity generation technologies, including industrial cogeneration and energy recycling; and, be it

Further Resolved, That the Joint Committee on Government and Finance is requested to study how West Virginia can promote

distributed electricity generation technologies, including industrial cogeneration, to spur economic development and reduce emissions; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 24, Requesting DOH name portion of U. S. Route 60 in Kanawha County “Lou Tabit Highway”.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 27, Relating to administration of opioid antidote in emergency situations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire,

Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 27) passed with its title.

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

Eng. Senate Bill No. 441, Relating to withdrawal of erroneous state tax liens.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 441) passed with its title.

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

Eng. Com. Sub. for Senate Bill No. 477, Relating to electronic registration of voters.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 477) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill No. 371, Relating to prison overcrowding.

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

On motion of Senator Palumbo, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page seventeen, section five-g, line five, after the word “Virginia.” by inserting the following: The results of all standardized risk and needs assessments are confidential.;

On page twenty-seven, section one-a, lines one hundred fourteen through one hundred twenty-five, by striking out all of subsection (h) and inserting in lieu thereof a new subsection, designated subsection (h), to read as follows:

(h) Magistrates may only impose a period of participation in a day report center with the consent by general administrative order of the supervising judge or chief judge of the judicial circuit in which he or she presides. The day report center staff shall determine which services a person receives based on the results of the standardized risk and needs assessment adopted by the Supreme Court of Appeals of West Virginia under subsection (d), section six, article twelve of this chapter, along with any other conditions of supervision set by the court.;

On page forty, section ten, line five, after the word “Virginia” by changing the semicolon to a period and inserting the following: “The results of all standardized risk and needs assessments are confidential.”;

On page forty-one, section six, line nine, after the word “officer” by changing the semicolon to a period and inserting the following: “The results of all standardized risk and needs assessments are confidential.”;

On page forty-four, section six, line sixty-eight, after the word “assessment.” by inserting the following: “The results of all standardized risk and needs assessments are confidential.”;

On page sixty-six, section thirteen, line one hundred ninety, after the word “assessment.” by inserting the following: The results of all standardized risk and needs assessments and substance abuse assessments are confidential.;

And,

On page ninety-four, section fifteen, line ten, after the word “Appeals.” by inserting the following: The results of all standardized risk and needs assessments and risk cut-off scores are confidential.

The bill (Com. Sub. for Com. Sub. for S. B. No. 371), as amended, was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Com. Sub. for Senate Bill No. 201, Permitting expedited partner therapy.

Com. Sub. for Com. Sub. for Senate Bill No. 341, Relating to livestock fencing and trespassing.

Senate Bill No. 404, Defining certain habitually absent student as neglected child.

And,

Senate Bill No. 407, Requiring cellular and phone companies provide certain information to Bureau for Child Support Enforcement.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Green, Miller and M. Hall.

Thereafter, at the request of Senator Barnes, and by unanimous consent, the remarks by Senator Green were ordered printed in the Appendix to the Journal.

On motion of Senator M. Hall, a leave of absence for the day was granted Senator Blair.

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Thursday, March 21, 2013, at 11 a.m.

THURSDAY, MARCH 21, 2013

The Senate met at 11 a.m.

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

Prayer was offered by Dustin Turner, Youth Minister, United Christian Fellowship, Middlebourne, West Virginia.

Pending the reading of the Journal of Wednesday, March 20, 2013,

On motion of Senator McCabe, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 10–
Requesting the Division of Highways name bridge number 49–

9-0.21 in Tennerton, Upshur County, West Virginia the “Staff Sergeant Lesley Wayne Reed US Army Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 18—Requesting that bridge number 49-4/15-0.93 on County Route 4/15, Upshur County, West Virginia, currently known as the “French Creek Bridge” be named the “Cpl. Sherald P. Brady, U.S. Army Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 19—Requesting that bridge number 49-3/4-2.40 in the Community of Kesling Mill in Upshur County, West Virginia, be named the “Corporal Ronald Lee Kesling USMC Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 20—Requesting the Division of Highways to name bridge number 14-50-31.01 on U.S. Route 50 in Hampshire County, the “Army Corporal Rex Marcel Sherman Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 21—Requesting the Division of Highways to name a stretch of road in Upshur County, West Virginia, the “Upshur Civil War Company “C” Militia Memorial Highway”; specifically, to provide this identification to that stretch of road on State Route 20 from milepost 11.53 at the intersection of State Route 20 and State Route 4, to milepost 0.00 at the Webster/Upshur County line.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 30—Requesting the Division of Highways to name West Virginia Route 42 from the intersection with Route 46 at Elk Garden, Mineral County, West Virginia, to the intersection with U. S. Route 50 in Mineral County, West Virginia, the “Army Sergeant Thomas Lawrence Dunithan Memorial Highway”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 47—Requesting the Division of Highways to name a stretch of highway in Upshur County, West Virginia, on State Route 20 from mile post 26 at the intersection of State Route 20 and U. S. Route 33 to mile post 27 the “Thomas B. Dunn Memorial Highway”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 63—Requesting the Division of Highways to name bridge number 27-62-20.53 on Route 62 in Point Pleasant, Mason County, the “US Army SFC James Edward Duncan Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 132, Compensating State Police for standby time and providing housing stipend for certain officers.

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

Com. Sub. for Senate Bill No. 132 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to compensating certain state troopers for off-duty time when they are required to be on standby to be called back to work; and requiring that state troopers on off-duty time that are called in to work or appear in court are guaranteed the greater of at least two hours or the actual number of hours worked.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

The bill (Com. Sub. for S. B. No. 132), under the original double committee reference, was then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Com. Sub. for Senate Bill No. 158 (originating in the Committee on Transportation and Infrastructure), Creating Complete Streets Act.

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

Com. Sub. for Com. Sub. for Senate Bill No. 158 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-4A-1, §17-4A-2 and §17-4A-3, all relating to creation of the Complete Streets Act; promoting consideration by the Division of Highways of complete streets policies for all streets, roads and highways and other transportation infrastructure facilities under the jurisdiction of the Division of Highways; providing for model complete streets policies for use by Division of Highways, counties and municipalities; providing instances when the Division of Highways need not consider complete street policies; creating a

Complete Streets Advisory Board; providing for reimbursement of mileage expenses of board members; and requiring annual reports.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Herb Snyder,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 187 (originating in the Committee on Economic Development), Creating Jobs Impact Statement Act.

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

Com. Sub. for Com. Sub. for Senate Bill No. 187 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5 and §5B-2I-6, all relating to creating the Jobs Impact Statement Act; requiring that the West Virginia Development Office prepare a jobs impact statement when requested by the Governor or leader of either house of the Legislature for certain proposed legislation; outlining the contents of the jobs impact statement; providing that this article does not affect the validity of legislation, restrict consideration of pending legislation or otherwise alter, amend or invalidate any rule of the Senate, the House of Delegates or joint rules of the Senate and House of Delegates; and describing the manner in which copies of the jobs impact statement shall be made available.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill No. 336 (originating in the Committee on Education), Relating to interscholastic athletics concussions and head injuries.

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

Com. Sub. for Com. Sub. for Senate Bill No. 336 (originating in the Committee on the Judiciary)—A Bill to repeal §55-7-19 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2-25a; and to amend and reenact §29-12-5a of said code, all relating to establishing protocols and protections to limit and treat injury to youth athletes and students; making legislative findings with respect to concussions; defining certain terms; requiring certain rules; setting forth certain minimum provisions of rules; requiring Board of Risk and Insurance Management to provide insurance coverage for certain additional individuals; clarifying Board of Risk and Insurance Management shall provide insurance coverage for licensed health care professional; limiting civil liability in certain circumstances; and making certain technical changes.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Williams, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill No. 342, Creating WV Land Stewardship Corporation Act.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Bob Williams,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Government Organization.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 414, Clarifying hunting and fishing license-issuing authorities.

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

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 433, Creating informal dispute resolution process for DHHR providers or licensees.

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

Com. Sub. for Senate Bill No. 433 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-1A-12, relating to creating an informal dispute resolution process available to behavioral health providers licensed by the Department of Health and Human Resources for orders or citations of deficient practice; and providing that the informal dispute resolution process does not affect the ability of a licensee to seek administrative and judicial review of an order or citation of deficient practice.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

The bill (Com. Sub. for S. B. No. 433), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 438, Authorizing reorganization of certain community and technical colleges.

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

Com. Sub. for Senate Bill No. 438 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-3F-1, §18B-3F-2, §18B-3F-3, §18B-3F-4, §18B-3F-5, §18B-3F-6, §18B-3F-7, §18B-3F-8 and §18B-3F-9, all relating to reorganization and consolidation of Bridgemont Community and Technical College and Kanawha Valley Community and Technical College; creating an independent, multi-campus community and technical college on June 30, 2013; abolishing certain boards of governors and providing for appointment of a new board of governors on June 30, 2013; setting forth legislative findings; providing definitions; requiring development of a strategic reorganization plan; establishing an administrative planning committee; committee membership, powers and duties; termination date; appointing president and other officers; specifying certain duties; providing for transfer of assets and liabilities, operating budgets, orders, rules and procedures; clarifying employee rights and benefits when positions are abolished; and requiring notification of employment status by certain date under certain circumstances.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert H. Plymale,
Chair.

The bill (Com. Sub. for S. B. No. 438), under the original double committee reference, was then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 439, Relating to payment correction procedure for erroneous fund distribution.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on Government Organization pending.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 440, Relating to disclosure of specified tax information for enforcement of Tobacco Master Settlement Agreement.

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

Com. Sub. for Senate Bill No. 440 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §11-10-5s of the Code of West Virginia, 1931, as amended, relating to disclosure of confidential taxpayer information; authorizing the disclosure of specified tax information by the Tax Commissioner to the Attorney General; authorizing the disclosure of specified tax information by the Attorney General to specified persons relevant to enforcement of Tobacco Master Settlement Agreement; authorizing the Tax Commissioner to enter into a written agreement with the State Auditor for disclosure of confidential tax information to the State Auditor to facilitate the State Auditor's participation in federal and state offset programs to collect unpaid taxes; and providing for protection and limited use of confidential information.

Senate Bill No. 535, Relating to process for maintaining voter registration lists.

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

Com. Sub. for Senate Bill No. 535 (originating in the Committee on the Judiciary)—A Bill to repeal §3-2-24 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1-3 of said code; and to amend and reenact §3-2-2, §3-2-4a, §3-2-18, §3-2-19,

§3-2-21, §3-2-23, §3-2-25 and §3-2-29 of said code, all relating to the maintenance of voter registration lists and related records; making technical corrections and deleting obsolete references; updating and clarifying the persons entitled to vote; clarifying when a person under the age of eighteen may vote in a primary election; updating the processes and responsibilities for statewide voter registration and clarifying county and state roles in the voter registration process; updating the processes of maintaining voter registration records; clarifying county roles in maintaining voter registration files for municipal elections; updating processes for the maintenance of records in the statewide voter registration database; permitting registration records to be shared across state lines pursuant to certain programs; updating processes for cancellation of deceased or ineligible voters' registrations; clarifying county and state roles in the systematic purging program for removal of ineligible voters from active voter registration records; and clarifying custody of paper and electronic voter registration records.

Senate Bill No. 538, Eliminating requirement law enforcement maintain files of domestic violence orders.

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

Com. Sub. for Senate Bill No. 538 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §48-27-601 of the Code of West Virginia, 1931, as amended, relating to disposition of domestic violence orders; and filing orders with the domestic violence database rather than law enforcement maintaining a confidential file.

And,

Senate Bill No. 584, Creating Pretrial Release Program.

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

Com. Sub. for Senate Bill No. 584 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-11C-5 and §62-11C-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §62-11F-1, §62-11F-2, §62-11F-3, §62-11F-4 and §62-11F-5, all relating to authorizing community corrections programs to operate pretrial release program; permitting certain fees to be assessed to county commissions; permitting certain fees to be assessed to persons on pretrial release; stating applicability of pretrial release programs; establishing guidelines for pretrial release programs; providing for potential funding sources; requiring community pretrial committees to recommend release of certain persons facing criminal charges who are in regional jails prior to adjudication; and setting forth the duties of pretrial release programs.

With the recommendation that the four committee substitutes do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 445, Allowing Tax Commissioner divert lottery prizes to offset tax liabilities of lottery winners.

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

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill No. 496, Finding and declaring certain claims against state.

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

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Williams, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill No. 520, Creating WV Project Launch Pad Act, WV Project Launchpad for Economic Development Property Valuation Act and Promoting WV Employment Act.

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

Com. Sub. for Senate Bill No. 520 (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6, §5B-2I-7, §5B-2I-8, §5B-2I-9, §5B-2I-10, §5B-2I-11, §5B-2I-12, §5B-2I-13, §5B-2I-14, §5B-2I-15, §5B-2I-16, §5B-2I-17, §5B-2I-18, §5B-2I-19, §5B-2I-20, §5B-2I-21, §5B-2I-22, §5B-2I-23, §5B-2I-24, §5B-2I-25, §5B-2I-26, §5B-2I-27, §5B-2I-28,

§5B-2I-29, §5B-2I-30, §5B-2I-31, §5B-2I-32, §5B-2I-33, §5B-2I-34, §5B-2I-35, §5B-2I-36, §5B-2I-37, §5B-2I-38, §5B-2I-39, §5B-2I-40 and §5B-2I-41; to amend said code by adding thereto a new article, designated §11-6L-1, §11-6L-2, §11-6L-3, §11-6L-4, §11-6L-5, §11-6L-6 and §11-6L-7; and to amend said code by adding thereto a new article, designated §11-21A-1, §11-21A-2, §11-21A-3, §11-21A-4, §11-21A-5, §11-21A-6, §11-21A-7, §11-21A-8, §11-21A-9, §11-21A-10, §11-21A-11, §11-21A-12, §11-21A-13, §11-21A-14, §11-21A-15, §11-21A-16, §11-21A-17 and §11-21A-18, all relating generally to economic development and job creation; creating the West Virginia Project Launchpad Act; providing short title; providing legislative purpose and finding; defining certain terms; providing criteria for establishment of West Virginia project launchpads by Governor; allowing county commissions and county councils to apply for launchpad designations; providing for form and content of applications; specifying process for review of applications and criteria for designating geographic areas as launchpads and for expansion and decertification of launchpads; providing economic benefits for businesses locating or expanding in launchpads including state and local tax relief and other economic benefits; prohibiting qualified businesses in a launchpad from employing illegal aliens, engaging in illegal activity or being delinquent in payment of state and local taxes; permitting transfer of economic benefits to successor businesses; requiring qualified business to comply with applicable zoning laws and state and local building and other codes; providing for recapture of taxes and other economic benefits under specified circumstances; promulgation of rules; imposing civil and criminal penalties for noncompliance; providing rules of application and construction; requiring periodic reports to Governor and Legislature; providing for severability and expiration; providing a special method for appraising property in launchpad for economic development; providing short title; defining certain terms; providing method of valuation of launchpad property; providing for initial determination of value by assessor and for protest and appeals; requiring periodic reports to Governor and Legislature and specifying effective dates; creating the Promoting

West Virginia Employment Act; providing short title and scope of article; defining certain terms; providing qualification for benefits; specifying benefits upon application and review; specifying annual cap on benefits; providing for recapture of benefits; providing for administration and enforcement of article including issuance of regulations; requiring periodic reports to Governor and Legislature; and specifying effective dates.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Bob Williams,
Chair.

The bill (Com. Sub. for S. B. No. 520), under the original double committee reference, was then referred to the Committee on Finance.

Senator Williams, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill No. 551, Applying solar energy tax credit to each system installation; extending credit date.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Bob Williams,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 565, Creating reverse auction pilot program for purchasing office supplies.

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

Com. Sub. for Senate Bill No. 565 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-10d, relating to the Purchasing Division; authorizing director to initiate a reverse auction pilot program for purchasing supplies, materials or equipment; outlining criteria for the director to consider in determining whether use of the reverse auction pilot program is appropriate; defining “reverse auction”; permitting third-party vendors to administer reverse auctions; rule-making authority to implement the reverse auction pilot program; and the reverse auction pilot program terminates on July 1, 2017.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Herb Snyder,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 571, Extending time Oceana City Council can meet as levying body.

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

Respectfully submitted,

Herb Snyder,
Chair.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Plymale, Prezioso, Snyder and Beach:

Senate Bill No. 586—A Bill to repeal §30-27-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-27-3, §30-27-8, §30-27-11 and §30-27-12 of said code; and to amend and reenact §30-37-7 of said code, all relating to the Board of Barbers and Cosmetologists; licensing schools of aesthetics, barbering, cosmetology, manicuring and massage; transferring authority to approve licensure for certain schools; providing requirements for professional licensing, license renewal and work permits; and establishing certain student registration requirements.

Referred to the Committee on Government Organization; and then to the Committee on Education.

By Senators Palumbo, Jenkins, McCabe, Prezioso and Stollings:

Senate Bill No. 587—A Bill to amend and reenact §55-7-24 of the Code of West Virginia, 1931, as amended, relating to apportionment

of damages in causes of action involving tortious conduct; adopting several liability in tortious actions unless certain exceptions apply; increasing period for a motion for reallocation; removing certain limits on reallocation; and setting a date after which the accrual of a cause of action will use the changes made to this section.

Referred to the Committee on the Judiciary.

By Senators Yost, Kessler (Mr. President), Edgell, Unger and Fitzsimmons:

Senate Bill No. 588—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-11-21; and to amend said code by adding thereto a new section, designated §31-17-21, all relating to requiring residential construction projects to be bonded; setting forth contractor responsibilities; providing for a period of bond liability and forfeiture of bond to satisfy a lien; requiring contractor to provide copy of bond and certain documents and reports to certain persons; and requiring a lender making a loan for residential construction services to issue joint payment and notice of payment to the contractor, property owners and any subcontractor or supplier identified in a request for payment.

Referred to the Committee on Labor; and then to the Committee on the Judiciary.

By Senators Kessler (Mr. President), Cookman, Jenkins, Nohe, Palumbo, Williams, Tucker, Fitzsimmons and Plymale:

Senate Bill No. 589—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-7-1a, relating to the establishment of ethical standards for court reporters and entities that provide court reporting services; oversight administration; and sanctions and penalties.

Referred to the Committee on the Judiciary.

By Senators Beach, Kessler (Mr. President), Edgell, Tucker and Williams:

Senate Bill No. 590—A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3A-17, §60-3A-18 and §60-3A-25 of said code; to amend and reenact §60-7-12 of said code; and to amend and reenact §60-8-34 of said code, all relating to the sale of certain beer, wine and liquor; increasing the percentage of cost that a liquor retail licensee may charge; removing provisions relating to the sale of certain alcoholic products on certain days; and addressing days and hours of operation for certain licensees and private clubs.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Carmichael:

Senate Bill No. 591—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-29, relating to emergency management; creating the West Virginia Infrastructure Emergency Response Act of 2013; definitions; the presence of nonresident employees and businesses, including affiliates of in-state businesses, that temporarily provide resources and personnel in the state during a state of emergency declared by either the Governor, the Legislature or the President of the United States; providing that these businesses are exempt from requirements for business and employee taxes or other criteria for purposes of certain state and local taxes, licensing and regulatory requirements on a temporary basis during the period they provide help and assistance in response to a declared state disaster or emergency; providing this exemption does not include certain transaction taxes and fees during the emergency period, unless otherwise exempted during an emergency period; providing for legislative rules; and effective date.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Tucker, Palumbo, Kessler (Mr. President) and Plymale:

Senate Bill No. 592—A Bill to amend and reenact §33-20F-4 of the Code of West Virginia, 1931, as amended, relating to deleting obsolete provisions regarding the Physicians' Mutual Insurance Company; and providing that the company need not be organized as a nonprofit corporation if the company remains a domestic mutual insurance company owned by its policyholders.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Stollings, Prezioso, McCabe, Kessler (Mr. President) and Palumbo:

Senate Bill No. 593—A Bill to amend and reenact §11-17-3 of the Code of West Virginia, 1931, as amended, relating to increasing the excise tax on cigarettes and other tobacco products; and providing for distribution of the increased revenue.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

By Senator Kessler (Mr. President):

Senate Bill No. 594—A Bill to amend and reenact §14-2-13a and §14-2-16 of the Code of West Virginia, 1931, as amended, all relating to claims against the state; claims for unjust arrest and imprisonment or conviction and imprisonment; legislative intent; notice of claim by a claimant; burden of proof; amount of relief granted to be determined by the court; burden of proving damages; providing a savings provision; and relating to the calling of expert witnesses.

Referred to the Committee on the Judiciary.

By Senators Miller, Beach and Stollings:

Senate Bill No. 595—A Bill to amend and reenact §11A-3-19, §11A-3-21, §11A-3-23, §11A-3-52, §11A-3-54 and §11A-3-56

of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §11A-3-23a and §11A-3-58a; and to amend and reenact §11A-4-4 of said code, all relating to permitting surface owners to purchase the mineral interests that lay below the property when the mineral interest becomes subject to a tax lien; establishing procedures; requiring notice; establishing the purchase prices; establishing a nonrefundable \$20 administrative fee; providing a procedure if more than one surface owner seeks to purchase the delinquent mineral interest; modifying notices to redeem that are sent to property owners; and providing remedies relating to tax sales.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 596—A Bill to amend and reenact §31-15A-17b of the Code of West Virginia, 1931, as amended, relating to the determination of the amount of grant awards for Chesapeake Bay watershed compliance projects and the Greenbrier River watershed compliance projects.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

Senators Kessler (Mr. President), Stollings, Yost, Fitzsimmons and Wells offered the following resolution:

Senate Concurrent Resolution No. 26—Calling upon Patriot Coal to live up to their obligations to active and retired miners, their families and widows.

Whereas, The United Mine Workers of America has secured health care and pensions for retired coal miners and widows, through decades of collective bargaining; and

Whereas, The gains made for working miners as a result of collective bargaining are now being threatened through the use of the bankruptcy proceedings; and

Whereas, Peabody's spin off of Patriot Coal jeopardizes the current collective bargaining agreement for active UMWA members at Patriot operations; and

Whereas, Peabody's spin off of Patriot Coal jeopardizes retiree pensions and health care via Patriot's bankruptcy action; and

Whereas, Actions taken by Peabody and Arch to shed themselves of promised health and retirement benefits through corporate schemes could also hurt coal retirees' pensions and health care; and

Whereas, The loss of promised health care and retirement benefits jeopardizes the health and security of UMWA active, laid off and retired members and their dependents; and

Whereas, The loss of promised health care and retirement benefits, if not addressed, could push many local communities into a financial crisis; and

Whereas, All coalfield communities have a significant interest in fighting to maintain retiree pensions and health care for our citizens; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby calls upon Patriot Coal to live up to their obligations to active and retired miners, their families and widows; and, be it

Further Resolved, That the West Virginia Legislature pledges the United Mine Workers of America and its membership to join in the fight to protect and maintain mine workers' pensions and health care from assaults by these and other coal operators; and, be it

Further Resolved, That the West Virginia Legislature calls upon Peabody, Arch and Patriot to live up to their obligations to provide coal miners' health care and retirement security; and, be it

Further Resolved, That the West Virginia Legislature calls upon others to assist in preventing these corporations from stripping from active, laid off and retired coal miners their contractually promised lifetime health care benefits.

Which, under the rules, lies over one day.

Senators Miller, Laird, Wells and Beach offered the following resolution:

Senate Concurrent Resolution No. 27—Designating “My Home Among the Hills” by E. W. James an official State Song of West Virginia.

Whereas, “This is My West Virginia”, “The West Virginia Hills” and “West Virginia, My Home Sweet Home” are the current official state songs; and

Whereas, The current three official West Virginia state songs were designated by House Concurrent Resolution No. 19, adopted February 28, 1963; and

Whereas, “My Home Among the Hills” is well known to many West Virginians and is sung at many school ceremonies and functions; and

Whereas, “My Home Among the Hills” was composed by West Virginia Wesleyan College trustee E. W. “Bill” James, who was also the mayor of Clarksburg, West Virginia, from 1957 to 1961; and

Whereas, The lyrics of “My Home Among the Hills” honor West Virginia in a magnificent manner:

*There's a land of rolling mountains
Where the sky is blue above.
And though I may roam, I hurry home,
To those friendly hills I love.
Where moonlit meadows ring
with the call of whippoorwills
Always you will find me in my home among the hills
And where the sun draws rainbows in the mist
of waterfalls and mountain rills
My heart will be always in the West Virginia Hills
There, autumn hillsides are bright with scarlet trees
and in the spring, the robins sing
While apple blossoms whisper in the breeze
And there is music in the flashing streams
and joy in the fields of daffodils
Laughter through the happy valleys of my home among the
hills; and*

Whereas, “My Home Among the Hills” appears in music method books written for children; and

Whereas, The Chanticleer Children’s Chorus of West Virginia and many state high school choirs include “My Home Among the Hills” in their performances; and

Whereas, “My Home Among the Hills” is considered an unofficial state song; and

Whereas, It is deemed desirable to add “My Home Among the Hills” as an official State Song; therefore, be it

Resolved by the Legislature of West Virginia:

That “My Home Among the Hills” by E. W. James be designated an official State Song of West Virginia; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Governor of the State of West Virginia.

Which, under the rules, lies over one day.

Senators Kessler (Mr. President), Snyder, Stollings, Unger, Yost, Williams, Miller, Plymale, Prezioso, McCabe, Wells, Beach, Carmichael, Jenkins and Fitzsimmons offered the following resolution:

Senate Resolution No. 40—Recognizing the Toyota Motor Manufacturing, West Virginia, Inc. (TMMWV), for its many contributions to the State of West Virginia.

Whereas, TMMWV has been doing business in the State of West Virginia since 1996, employs over one thousand team members at its Buffalo, West Virginia, manufacturing plant and provides an annual payroll of \$123 million; and

Whereas, TMMWV represents a \$1.3 billion investment in West Virginia and has given back to the community by donating \$5.9 million to organizations, including: American Cancer Society, Buffalo Volunteer Fire Department, Eleanor Volunteer Fire Department, Inc., Golden Girl Group Home, Multi-Cultural Festival of West Virginia, Inc., Putnam Career and Technical Center, Special Olympics West Virginia Golf Classic, The Marshall University Foundation, Inc., and United Way of Central West Virginia, Inc.; and

Whereas, TMMWV produces 4-cylinder and 6-cylinder engines for operations in Indiana and Canada and also 6-speed automatic transmissions and gears for plants in Kentucky, Indiana and Canada; and

Whereas, TMMWV's engines and transmissions are used in eight Toyota and Lexus vehicles: Corolla, Camry, RAV 4, Sienna,

Highlander, Matrix, Avalon, Venza, RX350m and other V-6 models; and

Whereas, Because team members build high-quality power train products and can produce up to one million engines and transmissions here annually, they are key to TMMWV's success and have celebrated seven expansions since the 1996 opening; and

Whereas, As of January 19, 2013, TMMWV reached a milestone, producing its ten millionth powertrain product; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Toyota Motor Manufacturing, West Virginia, Inc. (TMMWV), for its many contributions to the State of West Virginia; and, be it

Further Resolved, That the Senate commends Toyota Motor Manufacturing, West Virginia, Inc., on its outstanding accomplishment of producing its ten millionth powertrain product; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Toyota Motor Manufacturing, West Virginia, Inc. (TMMWV).

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

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

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

Senators Unger, Stollings, Kessler (Mr. President) and Williams offered the following resolution:

Senate Resolution No. 41—Recognizing the West Virginia Campus Compact Student Advisory Board for its dedication and commitment to promoting civic engagement at institutions of higher education.

Whereas, West Virginia Campus Compact is a coalition of twenty-eight college and university presidents dedicated to promoting civic engagement at our institutions of higher education; and

Whereas, West Virginia Campus Compact's role is to make it easier for its twenty-eight member campuses to provide quality community service and service learning opportunities to their students and to create partnerships that benefit communities throughout the State of West Virginia; and

Whereas, The member campuses of West Virginia Campus Compact remind us of another way institutions of higher education impact our communities: through the service students engage in every day; and

Whereas, The students of the West Virginia Campus Compact Student Advisory Board have demonstrated excellence in service and were selected by their college presidents to serve as their campus' ambassadors to West Virginia Campus Compact; and

Whereas, The 2013 West Virginia Campus Compact Student Advisory Board consists of Shellie Oden, Bridgemont Community and Technical College; Dan Hull, Bridgemont Community and Technical College; Erica White, Concord University; Adam Pauley, Concord University; Chris Pascoe, Potomac State College; Jesse Cook, Potomac State College; Jordan Johnson, University of Charleston; Randi Dillon, University of Charleston; Luke Tacosik, West Liberty University; Kacie Murray, West Liberty University; Michael Caplinger, West Virginia University at Parkersburg; Clayton Weeks, WV Northern Community College; John Felekey,

WV Northern Community College; Nichole Milliren, WVU-Parkersburg; and Brent Johnson, Blue Ridge Community and Technical College; and

Whereas, It is fitting that we honor the West Virginia Campus Compact and its Student Advisory Board on Higher Education Day at the Legislature; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the West Virginia Campus Compact Student Advisory Board for its dedication and commitment to promoting civic engagement at institutions of higher education; and, be it

Further Resolved, That the Senate acknowledges the good work of the West Virginia Campus Compact Student Advisory Board being done at institutions of higher education and communities throughout the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Campus Compact Student Advisory Board.

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

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

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

Senators Boley, Stollings, Kessler (Mr. President), Unger, Williams, Miller, Plymale and Nohe offered the following resolution:

Senate Resolution No. 42—Congratulating Maggie Drazba for her outstanding academic and athletic achievements.

Whereas, Maggie Drazba, a student at St. Marys High School, won the 2009 and 2011 Class A-AA Girls Cross Country Championship; and

Whereas, Maggie Drazba won the State Championship in the 800 and 1600 meters, helping lead St. Marys High School Girls Track team to the 2010 Class A Girls Team State Track and Field Championship, returning the following year and winning the State Championship at the 2011 Track and Field State Championships in the 800, 1600 and 3200 meters; and

Whereas, Maggie Drazba won the 2012 West Virginia Class A High School Girls Track and Field Championship in the 800 Meters, 1600 Meters, 3200 Meters and 3200 Meter Relay as well as the 2012 West Virginia Class A-AA High School Girls Cross Country Championship with an incredible time of 17:17; and

Whereas, Maggie Drazba set records in all of the events she won at the 2012 West Virginia High School Track and Field Championships; and

Whereas, Maggie Drazba was awarded the 2013 McCoy Award, which is given annually by the West Virginia Sports Writers Association to the state's top male and female track athletes; and

Whereas, Maggie Drazba placed second in the USA Cross-Country Nationals Junior Womens 6k in February, 2012, in St. Louis, earning a berth onto the American squad for the North American, Central America and Caribbean (NACAC) Cross Country Championship in Port-of-Spain, Trinidad, being the only high school athlete on the U. S. Junior Squad and one of five women to represent the U. S., placing fourth; and

Whereas, Maggie Drazba was named the Gatorade West Virginia Girl's Cross Country Runner of the Year for 2013. She also shows strong moral fiber for her advocacy with her work with her local church, school newspaper and Boys and Girls Club of America; and

Whereas, Maggie Drazba has shown exemplary academic work by maintaining a 4.05 GPA and an admission to the National Honor Society and West Virginia University; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates Maggie Drazba for her outstanding academic and athletic achievements; and, be it

Further Resolved, That the Senate wishes Maggie Drazba continued success as a student athlete at West Virginia University; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Maggie Drazba and the principal of St. Marys High School.

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

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

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

Senators Plymale, Snyder, Stollings, Kessler (Mr. President), Unger, Yost, Williams, Miller, Prezioso, Wells, McCabe, Jenkins and Fitzsimmons offered the following resolution:

Senate Resolution No. 43—Designating Thursday, March 21, 2013, as Higher Education Day at the Legislature.

Whereas, The foundation of any society's success is the degree to which its citizens are educated; and

Whereas, The citizens of West Virginia are committed to supporting higher education; and

Whereas, West Virginia's colleges and universities increase the knowledge base of West Virginia's students, as well as those from other states; and

Whereas, West Virginia's education system will help students achieve their education goals and meet the workforce needs of West Virginia and the United States; and

Whereas, Not only does the education system contribute to the economic vitality of the state, but it enriches the culture and life of all communities and regions within the state and outside its boundaries; and

Whereas, West Virginia's colleges and universities advance the development of technology, partner in business and industry, conduct groundbreaking research and improve lives through advanced health care; and

Whereas, Through the services of outstanding faculty, staff, administration and executive leadership, West Virginia's colleges and universities have developed student-centered programs and curriculums; therefore, be it

Resolved by the Senate:

That the Senate hereby designates Thursday, March 21, 2013, as Higher Education Day at the Legislature; and, be it

Further Resolved, That the Senate recognizes the commitment to excellence the leaders of our colleges and universities have demonstrated; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Chancellor of the West Virginia Higher Education Policy Commission.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

Senate Concurrent Resolution No. 25, Requesting Joint Committee on Government and Finance study distributed electricity generation technologies.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on the Judiciary; and then to the Committee on Rules.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 371, Relating to prison overcrowding.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 371 pass?”

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 371) passed.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 371—A Bill to amend and reenact §25-1-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §28-5-27 of said code; to amend said code by adding thereto two new sections, designated §31-20-5g and §31-20-5h; to amend and reenact §61-7-6 of said code; to amend and reenact §62-11A-1a of said code; to amend and reenact §62-11B-9 of said code; to amend and reenact §62-11C-2, §62-11C-3 and §62-11C-6 of said code; to amend said code by adding thereto a new section, designated §62-11C-10; to amend and reenact §62-12-6, §62-12-7, §62-12-9, §62-12-10, §62-12-13, §62-12-14a, §62-12-15, §62-12-17 and §62-12-19 of said code; to amend said code by adding thereto a new section, designated §62-12-29; to amend and reenact §62-15-2 of said code; and to amend said code by adding thereto two new sections, designated §62-15-6a and §62-15-6b, all relating to public safety; requiring the Division of Corrections to perform graduated methods of mental health screens, appraisals and evaluations on persons committed to its custody; eliminating requirement for separate disciplinary rules at each institution mandating one year of supervised release for

violent inmates and deducting one year of their good time; mandating one hundred eighty days of supervised release for nonviolent inmates; setting an effective date for supervised release provisions; requiring the Commissioner of Corrections to adopt policies regarding mandatory supervised release; requiring the West Virginia Regional Jail and Correctional Facility Authority to use a standardized pretrial risk-screening instrument adopted by the Supreme Court of Appeals of West Virginia to screen persons arrested and placed in a regional jail; requiring the Division of Corrections to develop and implement a cognitive behavioral program for inmates in regional jails committed to the custody of the Commissioner of Corrections and requiring the Division of Corrections to pay its cost; exempting parole officers from prohibitions against carrying concealed weapons; moving definition of “day report center” to section relating to conditions of release on probation; providing standards and limitations under which judges and magistrates may impose a period of supervision or participation in day report program; clarifying language regarding confinement and revocation for violations of the conditions of home incarceration; adding representative of the Bureau for Behavioral Health and Health Facilities to the community corrections subcommittee of the Governor’s Committee on Crime, Delinquency and Correction; requiring that the community corrections subcommittee review, assess and report on the implementation of evidence-based practices in the criminal justice system; adding member with a background in substance abuse treatment and services to the community criminal justice boards to be appointed by the commission or commissions of the county or counties represented by the board; providing oversight responsibility to Division of Justice and Community Services to implement standardized risk and needs assessment, evaluate effectiveness of other modifications to community corrections programs and provide annual report; requiring probation officers to conduct a standardized risk and needs assessment for individuals placed on probation and to supervise probationer and enforce probation according to assessment and supervision standards adopted by the West Virginia Supreme Court of Appeals; requiring probation officers to perform

random drug and alcohol tests of persons under their supervision; authorizing the Supreme Court of Appeals of West Virginia to adopt a standardized risk and needs assessment for use by probation officers; authorizing the Supreme Court of Appeals of West Virginia to adopt a standardized pretrial screening instrument for use by the Regional Jail Authority; providing standards and limitations under which judges may impose a term of reporting to a day report center as a condition of probation; authorizing day report center programs to provide services based on the results of a person's standardized risk and needs assessment; providing for graduated sanctions in response to violations of the conditions of release on probation other than absconding or committing certain new criminal conduct; creating exceptions to new criminal conduct provisions; making standardized risk and needs assessments confidential court documents; requiring copies of graduated sanctions confinement orders be supplied to the Commissioner of Corrections; providing that graduated sanctions confinement be paid by the Division of Corrections; revising eligibility requirements for accelerated parole program; requiring that Division of Corrections' policies and procedures for developing a rehabilitation treatment plan include the use of substance abuse assessment tools and prioritize treatment resources based on the risk and needs assessment and substance abuse assessment results; providing for rebuttable presumption that parole is appropriate for inmates completing the accelerated parole program and a rehabilitation treatment program; providing standards and limitations for Parole Board; outlining duties of the Division of Corrections to supervise, treat and provide support services for persons released on mandatory supervised release; removing temporal standard for requirement that the Parole Board have access to a copy of an inmate's physical, mental or psychiatric examination; authorizing Division of Corrections to employ directors of housing and employment for released inmates with duties relating to the reduction of parole release delays and finding employment; requiring parole officers to update the standardized risk and needs assessment for each person for whom an assessment has not been conducted for parole and to supervise each person according to the assessment and the commissioner's supervision

standards; authorizing the Commissioner of Corrections to issue a certificate authorizing an eligible parole officer to carry firearms or concealed weapons; providing standards and limitations under which the Division of Corrections may order substance abuse treatment or impose a term of reporting to a day report center or other community corrections program as a condition or modification of parole; authorizing the Commissioner of Corrections to enter into a master agreement with the Division of Justice and Community Services to reimburse counties for use of the community corrections programs; clarifying that parolee participation in community corrections is at program director's discretion; providing for graduated sanctions in response to violations of the conditions of release on parole other than absconding or certain new criminal conduct; providing a parolee with the right to a hearing, upon request, regarding whether he or she violated the conditions of his or her release on parole; providing that graduated sanctions incarceration for parolees be paid for by Division of Corrections; providing for a Community Supervision Committee to be appointed by the Administrative Director of the Supreme Court of Appeals of West Virginia to coordinate the sharing of information for community supervision and requiring submittal of an annual report; revising definitions for Drug Offender Accountability and Treatment Act; providing standards and limitations under which judges may order treatment supervision for drug offenders; requiring the Division of Justice and Community Services to use appropriated funds to implement substance abuse treatment to serve those under treatment supervision in each judicial circuit; providing an effective date regarding standards and limitations; providing that the Division of Justice and Community Services in consultation with the Governor's Advisory Committee on Substance Abuse is responsible for developing standards relating to quality and delivery of substance abuse services; requiring certain education and training; paying for drug abuse assessments and certified drug treatment from appropriated funds; requiring submittal of an annual report and specifying an effective date; outlining duties of treatment supervision service providers;

providing for state payment of drug court participants' incarceration under certain circumstances; defining terms; and making technical changes.

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

Thereafter, at the request of Senator Unger, and by unanimous consent, the remarks by Senators M. Hall, Barnes and Laird regarding the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 371 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill No. 201, Permitting expedited partner therapy.

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

Com. Sub. for Com. Sub. for Senate Bill No. 341, Relating to livestock fencing and trespassing.

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

Senate Bill No. 404, Defining certain habitually absent student as neglected child.

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

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill No. 407, Requiring cellular and phone companies provide certain information to Bureau for Child Support Enforcement.

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Com. Sub. for Senate Bill No. 11, Relating to schedules of controlled substances.

Senate Bill No. 190, Relating to public-private transportation projects funding.

Com. Sub. for Senate Bill No. 461, Relating to procedures and protections for child witnesses in domestic relations proceedings.

Senate Bill No. 489, Permitting community enhancement districts to decrease annual property assessments.

Senate Bill No. 523, Making supplementary appropriation of unappropriated moneys to various accounts.

Senate Bill No. 524, Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOT.

Senate Bill No. 525, Making supplementary appropriation of federal funds to various accounts.

Senate Bill No. 526, Making supplementary appropriation of federal funds to DHHR, Division of Human Services-Temporary Assistance for Needy Families.

Com. Sub. for Senate Bill No. 534, Correcting internal code reference regarding insurance information disclosure.

And,

Com. Sub. for Senate Bill No. 544, Scheduling departmental performance reviews.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Unger and Barnes.

Thereafter, at the request of Senator Laird, and by unanimous consent, the remarks by Senators Unger and Barnes were ordered printed in the Appendix to the Journal.

On motion of Senator Unger, a leave of absence for the day was granted Senator Blair.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Friday, March 22, 2013, at 11 a.m.

FRIDAY, MARCH 22, 2013

The Senate met at 11 a.m.

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

Prayer was offered by Apostle Tina Beatty, King of Glory International Ministries, Charleston, West Virginia.

Pending the reading of the Journal of Thursday, March 21, 2013,

On motion of Senator Miller, the Journal was approved and the further reading thereof dispensed with.

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

On motion of Senator Unger, the Senate recessed for five minutes to permit Keith Wiseman to address the Senate on behalf of the Frasure-Singleton Student Legislative Program.

Upon expiration of the recess, the Senate reconvened and proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2780—A Bill to amend and reenact §49-5D-3 and §49-5D-3c of the Code of West Virginia, 1931, as amended, all relating generally to multidisciplinary teams; requiring that team members be notified that he or she may participate in team meetings electronically; requiring that the court and team members are provided a copy of the individualized service plan for a juvenile; requiring that in certain circumstances the individualized service plan for a juvenile shall be reviewed quarterly; and, authorizing the directors of juvenile detention centers to call a multidisciplinary team meeting in certain circumstances.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2815—A Bill to amend and reenact §44-10-3 of the Code of West Virginia, 1931, as amended, relating generally to clarifying and modifying the process of appointing and terminating guardians for minors.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2842—A Bill to amend and reenact §36-9-3 and §36-9-23 of the Code of West Virginia, 1931, as amended, all relating to clarifying that time-sharing plans, accommodations and facilities are subject to regulation by the Division of Land Sales and Condominiums; and granting the Division of Land Sales and Condominiums the authority to seek additional relief in circuit courts.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 8—Requesting the Division of Highways to name the bridge, bridge number 50-41-0.40 on County Route 41 in Wayne County, the “U.S. Army S/Sgt. E. J. A. Maynard Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 25—Requesting the Division of Highways to rename the Camp Creek bridge over Camp Creek on State Route 152, in Lavalette, Wayne County, bridge number 50-152-41.56, the “U.S. Army CPL Fred Russell Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 29—Requesting the Division of Highways to name bridge number 50-39-2.01 in Wayne County, West Virginia, the “Army Specialist-5 James R. Justice Memorial Bridge”, which is located on the East Fork of 12 Pole Creek, at the mouth of Bluewater, also known as Cow Creek, approximately two miles up McComas Road and over the mountain from the intersection of McComas Road and Sweetwater Road.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 35—Requesting that bridge number 12-93-9.84 on W. Va. Corridor H, State Route 93 and future U. S. Route 48, crossing over County Route 1, also known as the Scherr Road, in Grant County, West Virginia, be named the “Charles Eugene Kessel Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 36—Requesting that bridge number 50-37-12.31 located in Wayne County, West Virginia, at the intersection of West Virginia Route 7, also known as Patrick Creek Road, and West Virginia Route 152 be named the “U.S. Army Private First Class Oscar Harper, Sr. Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 62—Requesting the Division of Highways to name the bridge currently known as DuPont Road Bridge on West Virginia Route 68, over US Route 50, bridge number 54-68-14.60, the “Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 22nd day of March, 2013, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. No. 197), Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts.

Respectfully submitted,

Donald H. Cookman,
Chair, Senate Committee.
Danny Wells,
Chair, House Committee.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 10, Permitting independent initiation of disciplinary proceedings by certain licensing boards.

And,

Senate Bill No. 429, Redefining “facility” under Medication Administration by Unlicensed Personnel Act.

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

Respectfully submitted,

Corey Palumbo,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 18, Relating to appraisal method for certain multifamily rental property for ad valorem property tax.

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

Com. Sub. for Senate Bill No. 18 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-3-1c, relating to providing the methods of appraising certain affordable, multifamily rental housing property for ad valorem property tax purposes; setting forth what the assessor is to consider; providing for confidentiality of information provided to the assessor; providing for treatment of federal or state tax credits; granting rule-making authority; and removing provision that the Tax Commissioner is to develop and publish a capitalization rate for use by assessors.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

The bill (Com. Sub. for S. B. No. 18), under the original double committee reference, was then referred to the Committee on Finance.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 80, Including substitute teaching in job duties of certain professional educators employed by county boards.

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

Com. Sub. for Senate Bill No. 80 (originating in the Committee on Education)—A Bill to amend and reenact §18-5-32 of the Code of West Virginia, 1931, as amended, relating to including substitute teaching in the job duties of certain professional educators employed by county boards of education in certain administrative and supervisory positions.

And,

Senate Bill No. 508, Implementing per-credit-hour tuition demonstration pilot project.

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

Com. Sub. for Senate Bill No. 508 (originating in the Committee on Education)—A Bill to amend and reenact §18B-10-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18B-10-3, all relating to creating a per-credit-hour tuition demonstration pilot project; specifying a termination date; establishing goals and selection criteria for participation; providing for evaluations; and requiring certain reports.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Robert H. Plymale,
Chair.

At the request of Senator Prezioso, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee references of the bills contained in the foregoing report from the Committee on Education.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 185, Relating to alternative-fuel motor vehicles.

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

Com. Sub. for Senate Bill No. 185 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §11-6D-1, §11-6D-2, §11-6D-3, §11-6D-4, §11-6D-5, §11-6D-6, §11-6D-7 and §11-6D-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-6D-10, all relating to the tax credit for alternative-fuel motor vehicles and qualified alternative-fuel vehicle refueling infrastructure and qualified alternative-fuel vehicle home refueling infrastructure; setting forth legislative findings; defining terms and modifying definitions and terms; on and after the effective date of the amendment and reenactment of the section during the regular session of the Legislature in 2013, eliminating the availability of tax credits for infrastructure related to and motor vehicles that are capable of running on ethanol and certain fuel mixtures containing ethanol, methanol or other alcohols; excluding storage tanks from the definition of “qualified alternative-fuel vehicle home refueling infrastructure”; requiring that not more than one tax credit be granted for the purchase of an alternative-fuel motor vehicle, or for costs relating to conversion or retrofitting of a motor vehicle to an alternative-fuel motor vehicle, or for costs associated with qualified alternative-fuel vehicle refueling infrastructure, or for costs associated with qualified alternative-fuel home refueling infrastructure; removing the requirement that a converted vehicle must operate exclusively on an alternative fuel in order to take the credit; permitting a tax credit for certain retrofitted vehicles; requiring a taxpayer to own the alternative-fuel motor vehicle for

which a claim is filed on the last day of the taxpayer's tax year for which the credit is claimed; clarifying restrictions and eligibility for tax credits; changing the amount of credit and the cap for qualified alternative-fuel vehicle refueling infrastructure; allowing pass-through entities to distribute credits to pass-through equity owners in any manner such equity owners see fit; eliminating a rule requirement; providing for the termination of tax credit for alternative-fuel motor vehicles purchased after December 31, 2017; providing for the termination of tax credit for motor vehicles converted or retrofitted to operate on alternative fuel after December 31, 2017; providing for the termination of tax credit for construction or purchase and installation of qualified alternative-fuel vehicle refueling infrastructure occurring after December 31, 2017; providing for the termination of tax credit for construction or purchase and installation of qualified alternative-fuel vehicle home refueling infrastructure occurring in tax years beginning after December 31, 2015; capping the number of years for which a carryover credit is allowed for alternative-fuel motor vehicle tax credits and for qualified alternative-fuel vehicle home refueling infrastructure tax credits; permitting the transfer and sale of certain tax credits under certain conditions; setting forth how transfers of tax credits may be accomplished; providing an exception from consumers sales and service tax, use tax, corporation net income tax and personal income tax; and permitting government entities and nonprofit entities to utilize tax credits.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill (Com. Sub. for S. B. No. 185), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 243, Authorizing DEP promulgate legislative rule relating to requirements for operating permits.

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

Com. Sub. for Senate Bill No. 243 (originating in the Committee on the Judiciary)—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Environmental Protection; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to covered electronic devices recycling; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste administrative proceedings and civil penalty assessment; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to horizontal well development; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality;

authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from the combustion of solid waste; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from hazardous waste treatment, storage and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for operating permits; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to water pollution control permit fee schedules; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the WV/NPDES regulations for coal mining facilities.

And,

Senate Bill No. 265, Authorizing DHHR promulgate legislative rule relating to Grade A pasturized milk.

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

Com. Sub. for Senate Bill No. 265 (originating in the Committee on the Judiciary)—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Health and Human Resources; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing

certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register and as amended by the Legislature; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to reportable diseases, events and conditions; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to general sanitation; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Grade A pasturized milk; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to fees for services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the regulation of opioid treatment programs; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pulse oximetry newborn testing; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the regulation of opioid treatment programs; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to chronic pain management clinic licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults in West Virginia; authorizing the Health Care Authority to promulgate a legislative rule relating to the West Virginia Health Information Network; and authorizing the Bureau of Senior Services to promulgate a legislative rule relating to the in-home care worker registry.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 384, Increasing certified legal education credits required for court-appointed attorneys in juvenile cases.

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

Com. Sub. for Senate Bill No. 384 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §49-5-2 of the Code of West Virginia, 1931, as amended, relating to juvenile proceedings; increasing the number of certified legal education credits required to serve as a court-appointed attorney in juvenile cases; and providing for appointment of an attorney where no attorney who has completed the credits is available.

And,

Senate Bill No. 570, Cleaning up outdated language in code relating to elections.

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

Com. Sub. for Senate Bill No. 570 (originating in the Committee on the Judiciary)—A Bill to repeal §3-1-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-1-2a, §3-1-4, §3-1-21, §3-1-21a, §3-1-22, §3-1-26, §3-1-32, §3-1-36, §3-1-37, §3-1-38, §3-1-39, §3-1-42 and §3-1-49 of said code, all relating

to clarifying language in article one, chapter three of the West Virginia Code; updating, removing or repealing outdated language; adjusting absentee ballot delivery requirement to meet federal and state code; adjusting certain provisions regarding disorder at polls; and clarifying that the Office of the Secretary of State shall hold a certain election training once every two years.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill No. 406, Relating to Deputy Sheriff Retirement System Act.

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

Com. Sub. for Senate Bill No. 406 (originating in the Committee on Finance)—A Bill to amend and reenact §7-14D-2, §7-14D-7, §7-14D-9, §7-14D-16 and §7-14D-19 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §7-14D-7a, all relating to the Deputy Sheriff Retirement System Act; adding a definition for the terms “retire” and “retirement”; requiring Consolidated Public Retirement Board to correct errors; correcting errors resulting from underpayment or overpayment; and clarifying that an estimation of benefits is provided prior to the submission of a retirement application from a member.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill No. 418, Relating to Emergency Medical Services Retirement System Act.

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

Com. Sub. for Senate Bill No. 418 (originating in the Committee on Finance)—A Bill to amend and reenact §16-5V-2, §16-5V-8, §16-5V-11, §16-5V-20, §16-5V-21 and §16-5V-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §16-5V-8a and §16-5V-35, all relating to the Emergency Medical Services Retirement System; defining terms; making technical corrections; correction of participating public employer errors by the Consolidated Public Retirement Board; clarifying eligibility requirements for commencement of benefits; specifying that the board must provide an estimation of benefits upon a member's request; providing that a member must have at least ten years of contributing service to qualify for nonservice-connected disability retirement; specifying that the total nonservice-connected disability award received by a member shall be based on his or her average monthly compensation during the twelve-month period immediately preceding the disability award; providing that all costs associated with disability benefit examinations shall be paid from the board's expense fund; providing that disability benefits shall cease on the first day of the

month following termination of disability by the board; requiring annual disability recertification for a retirant who is less than sixty years of age during the first five years of retirement and once every three years thereafter; providing that if a member who is receiving a nonduty disability benefit dies the surviving spouse shall receive the average monthly compensation received by the member prior to the disability award; and annuity calculation for a member who returns to covered employment after retirement.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill No. 419, Relating to Teachers Retirement System.

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

Com. Sub. for Senate Bill No. 419 (originating in the Committee on Finance)—A Bill to amend and reenact §18-7A-3, §18-7A-14, §18-7A-17, §18-7A-23, §18-7A-25 and §18-7A-26 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-7A-14c, all relating to the Teachers Retirement System; specifying the time period in which a participating public employer allocates and reports gross salary to the Consolidated Public Retirement Board; defining terms; correction of errors; requiring nonteachers to file a statement with the retirement board detailing the length of service being claimed for retirement credit; clarifying that members granted

prior service credit for qualified military service must be honorably discharged from active duty; clarifying provisions for purchasing out-of-state service credit for members who transferred from the Teachers' Defined Contribution Retirement System; providing that a nonteaching member shall not be considered absent from service while serving as an officer with a statewide professional teaching association; requiring that members make written requests to the retirement board to receive credit for service previously credited by the Public Employees Retirement System; providing that all interest paid or transferred on service credit from the Public Employees Retirement System be deposited in the reserve fund; providing that an inactive member may elect to receive an annuity at age sixty; providing that the sole primary beneficiary of a member is eligible for an annuity if the contributor was fifty years old with twenty-five years' service; providing that a refund beneficiary shall receive the contributor's accumulated contributions up to the plan year of contributor's death; providing that a refund beneficiary shall be paid the Teachers' Defined Contribution Retirement System member contributions transferred plus the vested portion of employer contributions and any earnings; providing that an actively contributing member who is at least sixty years of age is eligible for an annuity; providing that any member who has thirty years of total service in the state as a nonteaching member is eligible for an annuity; specifying that anyone who becomes a new member on or after July 1, 2013, must have five or more years of contributory service to qualify for retirement; providing that a nonteaching member who is fifty-five years of age and has served thirty years in the state is eligible for an annuity; clarifying that a nonteaching member is eligible for disability benefits; clarifying the computation of a member's annuity; providing for the commencement date of disability annuity benefits; and making technical corrections.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 421, Exempting certain school mascot from prohibition of firearms possession on school grounds.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert H. Plymale,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration

Senate Bill No. 430, Defining “employment term” in Teachers’ Defined Contribution Retirement System.

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

Com. Sub. for Senate Bill No. 430 (originating in the Committee on Finance)—A Bill to amend and reenact §18-7B-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-7B-21, all relating to the Teachers’ Defined Contribution Retirement System; adding a definition of “employment term”; making a technical

correction; and adding a provision relating to correction of errors by participating public employers and the Consolidated Public Retirement Board.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill No. 431, Relating to public employer liability for delinquent retirement contributions.

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

Com. Sub. for Senate Bill No. 431 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-11, relating to the liability of a participating public employer and its successor to pay delinquent retirement contributions, delinquency fees and related costs; and enforcement and collection of the costs by the Consolidated Public Retirement Board.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Laird, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill No. 466, Creating Dangerous Wild Animals Act.

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

Com. Sub. for Senate Bill No. 466 (originating in the Committee on Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-34-1, §19-34-2, §19-34-3, §19-34-4, §19-34-5, §19-34-6, §19-34-7, §19-34-8, §19-34-9 and §19-34-10, all relating to the regulation of dangerous wild animals; creating the Dangerous Wild Animal Board; setting forth the duties of the board; requiring the board to create a list of dangerous wild animals by rule; permitting the board to issue a permit for a dangerous wild animal legally possessed prior to the effective date of the rules; prohibiting the possession of a dangerous wild animal thereafter; setting forth permit requirements; providing for confiscation and disposition of animals; permitting the suspension and revocation of permits; providing exemptions; providing rule-making and emergency rule-making authority; and establishing criminal and civil penalties.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

William R. Laird IV,
Chair.

The bill (Com. Sub. for S. B. No. 466), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill No. 469, Clarifying service credit for certain PERS members.

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

Com. Sub. for Senate Bill No. 469 (originating in the Committee on Finance)—A Bill to amend and reenact §5-10-14 and §5-10-18 of the Code of West Virginia, 1931, as amended, all relating to service credit; retroactive service credit; and reinstatement interest in the Public Employees Retirement System.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills and joint resolutions were introduced, read by their titles, and referred to the appropriate committees:

By Senator Unger:

Senate Bill No. 597—A Bill to amend and reenact §18-5-13 of the Code of West Virginia, 1931, as amended, relating to permitting

county boards of education to sell advertising on the exteriors of school buses; setting forth the conditions to be met and prohibitions; requiring the county boards to adopt rules concerning the advertising; and setting forth how the revenue from the advertising is to be used.

Referred to the Committee on Government Organization; and then to the Committee on Education.

By Senators Kirkendoll, Snyder, Williams, Stollings and Plymale:

Senate Bill No. 598—A Bill to amend and reenact §22B-3-1 of the Code of West Virginia, 1931, as amended, relating to permitting individuals from state departments and agencies, except the Department of Environmental Protection, who have received a significant portion of their income, during a two-year period, from national pollutant discharge elimination system permit holders and applicants for certain state permits to serve as members of the Environmental Quality Board.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Edgell, Miller, Kirkendoll, Green, Unger and Kessler (Mr. President):

Senate Bill No. 599—A Bill to amend and reenact §29-6-4 of the Code of West Virginia, 1931, as amended, relating to expanding the number of hours temporary state personnel may work in a calendar year.

Referred to the Committee on Labor; and then to the Committee on Government Organization.

By Senators Yost, Edgell, Barnes, Facemire and Cann:

Senate Bill No. 600—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6-9-8a, relating to establishing a one-time audit cost amnesty program for local governments with delinquent audit costs.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Cookman, Walters and Stollings:

Senate Bill No. 601—A Bill to amend and reenact §49-5-18 of the Code of West Virginia, 1931, as amended, relating to keeping the records of a juvenile proceeding confidential; and removing the requirement of sealing the records.

Referred to the Committee on the Judiciary.

By Senators Yost and Fitzsimmons:

Senate Bill No. 602—A Bill to authorize the Commissioner of the West Virginia Division of Highways to allow an increase of gross weight limitations on certain roads in Brooke County.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.

By Senators Walters, Palumbo and Wells:

Senate Bill No. 603—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-18f, relating to county boards of education; licensed school psychologists; and providing that the maximum licensed school psychologist-pupil ratio is fifteen hundred pupils for each licensed school psychologist.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Kessler (Mr. President) and Fitzsimmons:

Senate Bill No. 604—A Bill to amend and reenact §3-8-1a of the Code of West Virginia, 1931, as amended, relating to the regulation and control of elections, generally; and expanding the definition of “electioneering communication” to include certain nonbroadcast media.

Referred to the Committee on the Judiciary.

By Senators Edgell, Facemire, Prezioso and Plymale:

Senate Bill No. 605—A Bill to repeal §60-9-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-9-4 and §60-9-6 of said code, all relating to eliminating duplicative reporting requirements imposed on distributors of imported cigarettes.

Referred to the Committee on the Judiciary.

By Senators Cookman, Tucker, Laird, D. Hall, Carmichael, Walters, Plymale and Kessler (Mr. President):

Senate Bill No. 606—A Bill to amend and reenact §23-5-16 of the Code of West Virginia, 1931, as amended, relating to access to justice; providing that attorney fees may be awarded in workers' compensation medical treatment cases; and providing fee limits.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Wells:

Senate Bill No. 607—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-8-17, relating to prohibiting certain noncompetition clauses in contracts between broadcast industry employers and employees; prohibiting waiver; and imposing civil liability on violators for damages, attorney's fees and costs.

Referred to the Committee on the Judiciary.

By Senator Walters:

Senate Bill No. 608—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-8b, relating to animal protection in shelters; and creating a system of efforts to find an organization to save animals.

Referred to the Committee on the Judiciary.

By Senators Laird, Cookman, Miller, Snyder, Stollings, Wells, Yost, Plymale, Fitzsimmons and Jenkins:

Senate Bill No. 609—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §25-8-1, relating to authorizing the Division of Corrections to implement a responsible parent program pilot project; setting forth requirements to participate in the program; setting forth program goals; and requiring a report.

Referred to the Committee on the Judiciary.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 610—A Bill to amend and reenact §25-1-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §28-3-23, all relating to juvenile services and criminal justice institutions; renaming the Industrial Home for Youth as the Salem Correctional Center; transferring control of the Salem Correctional Center from the Division of Juvenile Services to the Division of Corrections; and authorizing the Parkersburg Correctional Center and listing it and the Salem Correctional Center among the institutions managed by the Division of Corrections.

Referred to the Committee on Government Organization.

By Senators Snyder, Kirkendoll, Tucker, Chafin, Palumbo, Wells, Nohe and Sypolt:

Senate Bill No. 611—A Bill to amend and reenact §36B-1-103, §36B-1-104, §36B-1-108, §36B-1-201, §36B-1-203 and §36B-1-204 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new sections, designated §36B-1-115, §36B-1-116 and §36B-1-208; to amend and reenact §36B-2-109, §36B-2-112, §36B-2-116, §36B-2-117 and §36B-2-119 of said code; to amend said code by adding thereto two new sections,

designated §36B-2-123 and §36B-2-124; to amend and reenact §36B-3-102, §36B-3-103, §36B-3-105, §36B-3-106, §36B-3-108, §36B-3-110, §36B-3-112, §36B-3-116 and §36B-3-118 of said code; to amend said code by adding thereto five new sections, designated §36B-3-120, §36B-3-121, §36B-3-122, §36B-3-123 and §36B-3-124; and to amend and reenact §36B-4-103, §36B-4-109, §36B-4-112, §36B-4-116 and §36B-4-117 of said code, all relating to updating the Uniform Common Interest Ownership Act; and providing for applicability of the chapter.

Referred to the Committee on the Judiciary.

By Senator Barnes:

Senate Bill No. 612—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-221, relating to prohibiting a public employee retirant from being reemployed by the state within one year of retiring.

Referred to the Committee on Pensions; and then to the Committee on Government Organization.

By Senator Barnes:

Senate Bill No. 613—A Bill to amend and reenact §60A-2-208 and §60A-2-212 of the Code of West Virginia, 1931, as amended, all relating to moving the narcotic drug buprenorphine, sold as Suboxone or Subutex, from its current Schedule V substance classification to Schedule III.

Referred to the Committee on the Judiciary.

By Senators Barnes and McCabe:

Senate Bill No. 614—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to allowing county commissions the option of putting before the voters of the county the question of whether Sunday hunting should be permitted on private lands in the county with the written consent of the landowner.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senator Kessler (Mr. President):

Senate Bill No. 615—A Bill to amend and reenact §29-22A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22C-8 of said code, all relating to providing for distribution of certain amounts of net terminal income derived from racetrack video lottery terminals; and amending the method for determining a table game license renewal fee for West Virginia pari-mutuel racetracks.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator McCabe:

Senate Bill No. 616—A Bill to amend and reenact §22C-9-1, §22C-9-2, §22C-9-3 and §22C-9-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22C-9-7a, all relating generally to oil and gas conservation; providing for the integration of interests in drilling units in connection with horizontal shallow oil or gas wells; setting forth application requirements; establishing the standard of review; providing for integration orders; requiring notice and timeliness; providing for hearings; addressing oil and gas produced from horizontal wells, vertical shallow wells and unconventional reservoirs; adding new definitions; and modifying existing definitions.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

By Senator Carmichael:

Senate Bill No. 617—A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, relating to serious traffic offenses; driving under the influence of alcohol, controlled substances or drugs; increasing the criminal penalties; and providing that the changes may be cited as Andrea's Law.

Referred to the Committee on the Judiciary.

By Senator Carmichael:

Senate Bill No. 618—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, §11-28-5 and §11-28-6, all relating to creating the Tax Revenue Act of 2013; increasing taxes on tobacco, beer, wine and liquor; providing for assessment of business machinery and equipment to be assessed at salvage value; establishing a special account for the increased revenue; providing that the first \$1 million received from the increases be directed to the West Virginia Department of Agriculture to assist farmers with tobacco crop replacement programs; and permitting counties to make application for distribution of an amount equal to the 2012 revenue received by the county from the personal property tax on business machinery and equipment.

Referred to the Committee on Finance.

By Senator Carmichael:

Senate Bill No. 619—A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to disqualification for unemployment benefits.

Referred to the Committee on Labor; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 620—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-9-1 and §29-9-2; and to amend said code by adding thereto a new section, designated §30-1-6c, all relating to requiring state agencies, boards, commissions and entities and Chapter 30 boards to give tests regionally; providing a waiver; and authorizing online testing.

Referred to the Committee on Government Organization.

By Senators Miller, Laird and Snyder:

Senate Bill No. 621—A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-1-3 of said code, all relating to requiring the Commissioner of the Bureau for Public Health to conduct a public health impact statement assessing the health impact of any new, or modification to, air or water rule proposed by the Secretary of the Department of Environmental Protection; and requiring the Secretary of the Department of Environmental Protection to incorporate findings of the impact statement into the proposed rule.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Kessler (Mr. President), Green, Kirkendoll, Barnes, Cann, Facemire, Miller, D. Hall, Beach, Boley, Carmichael, Chafin, Edgell, Fitzsimmons, M. Hall, Snyder, Stollings, Sypolt, Tucker, Walters, Wells, Williams, Yost, Unger, McCabe, Palumbo and Jenkins:

Senate Bill No. 622—A Bill to amend and reenact §5-6-4a of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1-6 of said code; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-3 and §18B-2A-4 of said code; to amend and reenact §18B-9A-2 of said code; to amend and reenact §18B-10-1 of said code; and to amend said code by adding thereto a new section, designated §18B-19-19, all relating to higher education; providing additional authority to and flexibility measures for certain state institutions of higher education; excepting certain institutions from certain required reports to the Joint Committee on Government and Finance regarding real property contracts and agreements; modifying rule-making requirements and authority granted to certain institutions; modifying, reducing or eliminating requirements related to the review or approval by the Higher Education Policy Commission of capital projects and facilities, capital project financing, compensation packages for presidents, course credit transfer rules, tuition and fee policies and academic programs with respect to certain institutions; excepting

certain institutions from the supervision of the Higher Education Policy Commission; excepting certain institutions from laws and rules relating to the administration of personnel matters, including classification, compensation and discipline; expanding the definition of “nonclassified employee” at certain institutions; transferring to certain institutions authority to approve tuition and fee increases; and providing flexibility and transferring to certain institutions the authority to undertake, develop, maintain and finance capital projects, campus development plans and related infrastructure and items.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Plymale, Chafin, Cole, Stollings, Cookman, Cann and Jenkins:

Senate Bill No. 623—A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to allowing certain funding for supporting children with high acuity needs to also be used to fund probation officer positions needed to address truancy; and making technical corrections.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Palumbo, Cookman, Stollings, Barnes, Kessler (Mr. President) and Fitzsimmons:

Senate Bill No. 624—A Bill to amend and reenact §61-5-29 of the Code of West Virginia, 1931, as amended, relating to adjusting penalties for willful failure to pay child support; requiring probation and home confinement instead of confinement in a correctional facility for first violations; making second offense a misdemeanor and third and subsequent offenses a felony; and requiring a person convicted of willfully failing to pay child support to obtain employment or register with Workforce West Virginia, including following certain programs.

Referred to the Committee on the Judiciary.

By Senator Plymale:

Senate Bill No. 625—A Bill to amend and reenact §12-3-18 of the Code of West Virginia, 1931, as amended, relating to payment of claims by a body charged with the administration of the fiscal affairs of any county, school district, independent school district or municipality.

Referred to the Committee on Government Organization.

By Senator Wells:

Senate Joint Resolution No. 9—Proposing an amendment to the Constitution of the State of West Virginia, amending section eighteen, article VI thereof, relating to the time and place of assembly and length of legislative session; changing the date for organization of each house of the Legislature by the election of its officers to December 1, following a general election; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Wells:

Senate Joint Resolution No. 10—Proposing an amendment to the Constitution of the State of West Virginia, amending section fifty-one, article VI thereof; and section fourteen, article VII thereof, all relating to ensuring the Legislature's opportunity to reconsider any bill vetoed by the Governor; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

Senators Stollings, Edgell, Kirkendoll and Beach offered the following resolution:

Senate Concurrent Resolution No. 28—Requesting the Division of Natural Resources study the feasibility of making the Upper Mud River Wildlife Management and Recreation Area in Lincoln County a state park or other designated area, as may be appropriate.

Whereas, The Upper Mud River Wildlife Management and Recreation Area is part of the Upper Mud River Site 2-A Multipurpose Flood Control Recreation Project built by the United States Department of Agriculture Natural Resources Conservation Service, the Soil Conservation Agency and the Division of Natural Resources. Project sponsors include the following entities: Soil Conservation Agency, Guyan Soil Conservation District, Lincoln County Commission and the Division of Natural Resources. The total area comprises 1,600 acres, including a 307-acre lake and required twenty-five years to complete at a cost of \$25 million; and

Whereas, The Upper Mud River Dam is a 75-foot dam that creates a 307-acre lake that can store 8,850 acre-feet of flood water, temporarily storing runoff water during periods of high rainfall and protecting the town of Hamlin from the risk of flood damage. The recreational facilities of the project were completed and opened to the public in July, 1999. The recreation and support facilities of the project include the following: Access roads, boat launch ramp, fishing access for physically challenged anglers, hiking trails, swimming, beach, playground equipment, picnic shelters, softball field, restrooms, picnic tables, sewage treatment system, water treatment system, superintendent's residence, office and storage facility and fuel storage facility. The Mud River Dam was built to assist in the control of floods and to provide some recreation. The dam has two boat docks and two man-made beaches. One of the beaches is fully developed with bath house and eighty picnic tables with grills and a covered shelter. The second beach is located on the Left Fork at what is known as Camp Lakeview. This is fifty acres

set aside for a youth camp and has a caretaker house with some rustic camping. Near the dam is a private campground on Route 7 north of the main dam. Near the main beach is a covered stage for performing events. The county provides a bluegrass and gospel program each spring/summer. Other private events are scheduled as requested. On the south end of the dam is a certified shooting range for public use. The range contains eight shooting stations with twenty-five, fifty, seventy-five and one hundred yards of target shooting. The Lincoln County commission provides one shooting event open to the public free of charge with prizes being provided for each event. Just south of the main dam is a fully functional boat dock with parking for forty vehicles and a bathroom facility and covered picnic area. Once a year in the spring, the Lincoln County commission provides and sponsors a kids' fishing tournament for ages four through fourteen years with the theme of "Hooked on Fishing not Drugs". The Mud River Dam is within five miles of a future horse park as provided in an agreement with Hobet Mining, Robin Land Company and the Lincoln County commission. The location is east of the dam on Route 7. A 100-acre site will provide a horse ring, camping and other recreation; and

Whereas, The Division of Natural Resources signed a lease agreement in February, 1996, with the Lincoln County commission to manage 1,425 acres of the project area as a wildlife management area for the benefit and enjoyment of Lincoln County residents and other visitors. The wildlife management area activities include: Forty acres of wildlife clearings, eighteen wood duck nest boxes, management and stocking of fish, the release of black bears in the area and hunting opportunities. During 2000 alone, an estimated 11,705 anglers, 351 hunters and 14,350 other outdoor enthusiasts utilized the Wildlife Management and Recreation Area. The residents of the area served by the Upper Mud River Wildlife Management and Recreation Area and other visitors utilize and enjoy the facilities on a regular basis; and

Whereas, The Mud River Dam is near the Big Ugly Wildlife Hunting Area and a future site for the second Hatfield and McCoy

Trail System. Once completed this system will be near the dam, the horse park and the Ivy Branch System. The Hatfield and McCoy Trails in Lincoln County is scheduled to open on Ivy Branch which is located near U. S. 119 and the Boone County Hatfield and McCoy Trail System. These two systems will be connected by means of a low-water bridge near the Boone County Trail Head. This will provide access to established campgrounds on U. S. 119 and the Boone County Water Ways. On County Route 7 just below the dam is a private campground with full hook up and cabins. All of these provisions will create a hub for recreation in a ten-mile radius in Boone and Lincoln counties; and

Whereas, Several area residents have voiced the opinion that they would like to see the area developed into a state park or other designated area, as may be appropriate, to broaden the opportunities for the project; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Natural Resources is hereby requested to study the feasibility of making the Upper Mud River Wildlife Management and Recreation Area in Lincoln County a state park or other designated area, as may be appropriate; and, be it

Further Resolved, That the Division of Natural Resources shall prepare a comprehensive plan for the development and utilization of the area with timelines and budget projections; and, be it

Further Resolved, That the Division of Natural Resources report to the Joint Committee on Government and Finance on its findings, conclusions, recommendations and its comprehensive plan, together with drafts of any legislation necessary to effectuate its recommendations, on or before December 1, 2013.

Which, under the rules, lies over one day.

Senators Wells, McCabe, Palumbo, Walters and Stollings offered the following resolution:

Senate Concurrent Resolution No. 29—Requesting the Division of Highways to name the bridge designated bridge number 20-64-54.37 the “Cpl. Kenneth R. Hess Bridge”.

Whereas, Cpl. Kenneth R. Hess was born on May 21, 1921, in Buena Vista, Virginia; and

Whereas, Cpl. Kenneth R. Hess was inducted into the United States Army on August 6, 1942, at the age of twenty-one; and

Whereas, Cpl. Kenneth R. Hess spent eleven months overseas, serving in England, France, Belgium, Holland and Germany during the Second World War; and

Whereas, Cpl. Kenneth R. Hess was a member of Company D of the 377th Infantry Regiment of the 95th Infantry Division organized in Texas; and

Whereas, The members of the 95th Infantry Division are known as the “Iron Men of Metz”, and renowned for fighting back fierce German counterattacks and for the eventual liberation of the town of Metz, in the northeast of France; and

Whereas, The people of Metz, and of France, have never forgotten the contributions of the Iron Men of Metz; and

Whereas, In honor of his service, which included maintaining and repairing weapons of an infantry heavy weapons company, Cpl. Kenneth R. Hess was honored by the French government with the *Orde National de la Legion d’Honneur*, presented to him in a ceremony at the French Embassy in Washington, D. C.; and

Whereas, Cpl. Kenneth R. Hess was also honored by the United States Army with a Good Conduct Medal, three Bronze Service

Stars, France and Germany Theater Ribbons and an American Theater Ribbon; and

Whereas, Cpl. Kenneth R. Hess was honorably discharged from the United States Army on November 11, 1945; and

Whereas, Cpl. Kenneth R. Hess returned to the United States, where he worked for thirty-eight years as a millwright at Union Carbide until his retirement; and

Whereas, It is fitting and proper that the outstanding service to his country by Cpl. Kenneth R. Hess be honored by naming the bridge designated bridge number 20-64-54.37 the “Cpl. Kenneth R. Hess Bridge”; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge designated bridge number 20-64-54.37, the “Cpl. Kenneth R. Hess 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 “Cpl. Kenneth R. Hess Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to Cpl. Kenneth R. Hess.

Which, under the rules, lies over one day.

Senators D. Hall, Green and Stollings offered the following resolution:

Senate Concurrent Resolution No. 30—Requesting that bridge number 55-10-43.05 on Route 10 in Cyclone, Wyoming County, West Virginia, be named the “Army SP4 Jackie (Hearn) McMillion Memorial Bridge”.

Whereas, Jackie (Hearn) McMillion was born on February 9, 1945, in Boyd County, Kentucky, and moved to Cyclone, West Virginia, at the age of two; and

Whereas, Jackie (Hearn) McMillion attended Road Branch Grade School and graduated from Oceana High School in 1963; and

Whereas, Jackie (Hearn) McMillion enlisted in the United States Army on June 6, 1963, and completed his basic training at Fort Knox, Kentucky; and

Whereas, Jackie (Hearn) McMillion served with the Fourth Cavalry Airborne Division in Vietnam and achieved the rank of Specialist Four; and

Whereas, SP4 Jackie (Hearn) McMillion was killed in action at Au Bau Bang in the Binh Duong province of South Vietnam on November 12, 1965, the only resident of Cyclone, West Virginia, to lose his life while on active duty in Vietnam; and

Whereas, SP4 Jackie (Hearn) McMillion was survived by his wife, Lois Altizer McMillion; daughter, Jackie McMillion, whom he never met; parents, Mr. and Mrs. W. H. Hearn; nine brothers, Donald, James, Herbert, Ronald, Henry, William, Scott, David and Jeffery Hearn; six sisters, Mrs. Betty Hogg and Mary, Virginia, Lottie, Kathy and Bertha Hearn; and grandparents Mr. and Mrs. Sherman McMillion; and

Whereas, It is fitting and proper that SP4 Jackie (Hearn) McMillion be remembered and acknowledged for his courageous action and ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 55-10-43.05 on Route 10 in Cyclone, West Virginia, the "Army SP4 Jackie (Hearn) McMillion 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 “Army SP4 Jackie (Hearn) McMillion 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 Secretary of the Department of Transportation and to the surviving family of SP4 Jackie McMillion.

Which, under the rules, lies over one day.

Senators Kessler (Mr. President), Edgell, Beach and Plymale offered the following resolution:

Senate Concurrent Resolution No. 31—Requesting the Division of Highways to place signs at the Tyler County line on WV Route 2, entering from Pleasants County at mile point 0.00, entering from Wetzel County at mile point 13.93 and on WV Route 18 entering from Doddridge County at mile point 0.00, that read “Home of the 2011 FFA National Champions”.

Whereas, The sixtieth annual 4-H and FFA National Land and Range Judging Contest was held in Oklahoma City, Oklahoma, May 3-5, 2011; and

Whereas, The Tyler County FFA chapter qualified for the national event by placing among the top five teams at contests held in West Virginia; and

Whereas, The Tyler County FFA chapter was represented at the 2011 National Land and Range Judging Contest by George Hilvers, Emily Wells, Ashley Cochran and Ashley Watson, with the help of Coach Leon Ammons; and

Whereas, National championship titles were awarded to team and individual winners in each category of Land Judging, Range

Judging and Homesite Evaluation, with ninety-three FFA teams and 347 FFA individual contestants competing; and

Whereas, In Land Judging teams and contestants evaluate the soil for its best agricultural use and in Homesite Evaluation they evaluate the soil to determine if it would be a good site to build a home; and

Whereas, Emily Wells placed ninth individually in both the Land Judging and Homesite Evaluation contests; and

Whereas, George Hilvers placed tenth individually in the Homesite Evaluation contest; and

Whereas, Together the Tyler County FFA chapter won the National Champions title in both Land Judging and Homesite Evaluation; and

Whereas, The Tyler County FFA team is only the fourth chapter in the National Land and Range Judging Contest's sixty-year history to win double National Champion titles; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to place signs at the Tyler County line on WV Route 2, entering from Pleasants County at mile point 0.00, entering from Wetzel County at mile point 13.93 and on WV Route 18 entering from Doddridge County at mile point 0.00, that read "Home of the 2011 FFA National Champions"; and, be it

Further Resolved, That the Clerk of Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways, George Hilvers, Emily Wells, Ashley Cochran, Ashley Watson and Leon Ammons.

Which, under the rules, lies over one day.

Senators Beach, Prezioso, Kessler (Mr. President), Edgell, Williams, Sypolt, Plymale, Palumbo, McCabe, Wells, Yost, Snyder, Unger and Stollings offered the following resolution:

Senate Resolution No. 44—Designating March 22, 2013, as “West Virginia University and West Virginia University Extension Day at the Capitol”.

Whereas, The United States Congress in 1862, during the Civil War, sought to energize the intellectual resources of the nation by making higher education accessible to the public; and

Whereas, President Abraham Lincoln supported and signed this legislation one hundred fifty years ago because it contained ideals vital to the future of the nation and because it was able to be executed through the allocation of land grants; and

Whereas, The legislation, known as the Morrill Act, later manifested itself in West Virginia through West Virginia University; and

Whereas, West Virginia University is the state’s first and largest land-grant university, which is dedicated to serving the citizens of West Virginia; and

Whereas, The West Virginia University Extension Service, the primary outreach arm of West Virginia University, is the “front porch” of WVU, with an office in each of the state’s fifty-five counties, with trusted research delivered by local extension agent experts in areas of youth development, agriculture, community development and families and health; and

Whereas, The West Virginia University Extension Service, with the help of 6,500 adult volunteers, conducts the 4-H youth development program - the state’s largest youth organization - in which more than 84,600 youths learn leadership, citizenship and

life skills through local groups and camps in their counties and at WVU Jackson's Mill, site of the nation's first state 4-H camp; and

Whereas, West Virginia University Extension Service agents and staff have been knowledgeable, dependable, enthusiastic and effective partners with county commissioners, school administrators, educators, law-enforcement personnel, health providers, miners, farmers, families and civic leaders; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 22, 2013, as "West Virginia University and West Virginia University Extension Day at the Capitol"; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the President of West Virginia University, James P. Clement, and to the West Virginia University Extension Service.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

The President then stated the hour had arrived for the special order of business, as to

House Concurrent Resolution No. 42, The "Mike Whitt Visionary Leadership Highway".

On unfinished business, coming up as a special order, was reported by the Clerk.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page six, by striking out the Resolved clause and inserting in lieu thereof a new Resolved clause to read as follows:

“That the Division of Highways is hereby requested to name all sections, existing and to-be-constructed, of the King Coal Highway, I-73/74, running through Mingo County, West Virginia, the ‘Mike Whitt Memorial Highway’; and, be it”;

On pages six and seven, by striking out the first Further Resolved clause and inserting in lieu thereof a new Further Resolved clause, to read as follows:

“That the Division of Highways is hereby requested to have made signs, to be erected at the beginning and end of each section of the Highway and at regular intervals along both sides of the highway, that state, in bold, prominent lettering, the ‘Mike Whitt Memorial Highway’; and, be it”;

And,

On page one by striking out the title and substituting therefor a new title, to read as follows:

House Concurrent Resolution No. 42—Requesting the Division of Highways to name all sections of the King Coal Highway, I-73/74, running through Mingo County, West Virginia, the “Mike Whitt Memorial Highway”.

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

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

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

Upon expiration of the recess, the Senate reconvened.

The special order of business having been concluded, the Senate then resumed business under the seventh order.

Senate Concurrent Resolution No. 26, Supporting commitments made to Patriot Coal employees.

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

Senate Concurrent Resolution No. 27, Designating “My Home Among the Hills” official state song.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 201, Permitting expedited partner therapy.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 201) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 341, Relating to livestock fencing and trespassing.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 341) passed with its title.

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

Eng. Senate Bill No. 407, Requiring cellular and phone companies provide certain information to Bureau for Child Support Enforcement.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 407) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill No. 11, Relating to schedules of controlled substances.

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

Senate Bill No. 190, Relating to public-private transportation projects funding.

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

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

On page seventeen, section nine, line ninety-eight, after the word “contrary,” by inserting the following: “the division may not

enter into any comprehensive agreements with a developer after the thirtieth day of June, two thousand seventeen.

(h) Notwithstanding any provision of this article to the contrary.”.

The bill (S. B. No. 190), as amended, was then ordered to engrossment and third reading.

Senate Bill No. 404, Defining certain habitually absent student as neglected child.

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

On motion of Senator Palumbo, the bill was referred to the Committee on Finance.

Com. Sub. for Senate Bill No. 461, Relating to procedures and protections for child witnesses in domestic relations proceedings.

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

Senate Bill No. 489, Permitting community enhancement districts to decrease annual property assessments.

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

Senate Bill No. 523, Making supplementary appropriation of unappropriated moneys to various accounts.

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

Senate Bill No. 524, Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOT.

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

Senate Bill No. 525, Making supplementary appropriation of federal funds to various accounts.

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

Senate Bill No. 526, Making supplementary appropriation of federal funds to DHHR, Division of Human Services-Temporary Assistance for Needy Families.

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

Com. Sub. for Senate Bill No. 534, Correcting internal code reference regarding insurance information disclosure.

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

Com. Sub. for Senate Bill No. 544, Scheduling departmental performance reviews.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Com. Sub. for Senate Bill No. 158, Creating Complete Streets Act.

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

Com. Sub. for Com. Sub. for Senate Bill No. 187, Creating Jobs Impact Statement Act.

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

Com. Sub. for Com. Sub. for Senate Bill No. 336, Relating to interscholastic athletics concussions and head injuries.

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

Com. Sub. for Senate Bill No. 414, Clarifying hunting and fishing license-issuing authorities.

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

Com. Sub. for Senate Bill No. 440, Relating to disclosure of specified tax information for enforcement of Tobacco Master Settlement Agreement.

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

Com. Sub. for Senate Bill No. 445, Allowing Tax Commissioner divert lottery prizes to offset tax liabilities of lottery winners.

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

Senate Bill No. 496, Finding and declaring certain claims against state.

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

Com. Sub. for Senate Bill No. 535, Relating to process for maintaining voter registration lists.

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

Com. Sub. for Senate Bill No. 538, Eliminating requirement law enforcement maintain files of domestic violence orders.

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

Com. Sub. for Senate Bill No. 565, Creating reverse auction pilot program for purchasing office supplies.

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

Senate Bill No. 571, Extending time Oceana City Council can meet as levying body.

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

On motion of Senator Unger, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair-1.

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

Engrossed Senate Bill No. 571 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)-33.

The nays were: None.

Absent: Blair-1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 571) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)-33.

The nays were: None.

Absent: Blair-1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 571) takes effect from passage.

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

Com. Sub. for Senate Bill No. 584, Creating Pretrial Release Program.

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

On motion of Senator Unger, a leave of absence for the day was granted Senator Blair.

On motion of Senator Unger, the Senate adjourned until Monday, March 25, 2013, at 11 a.m.

MONDAY, MARCH 25, 2013

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Lewis Arnold, Mullens Pentecostal Holiness Church, Mullens, West Virginia.

Pending the reading of the Journal of Friday, March 22, 2013,

On motion of Senator Palumbo, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill No. 359, Relating generally to reforming public education.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2124—A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto twelve new sections, designated §5F-2-1a, §5F-2-1b, §5F-2-1c, §5F-2-1d, §5F-2-1e, §5F-2-1f, §5F-2-1g, §5F-2-1h, §5F-2-1i, §5F-2-1j, §5F-2-1k and §5F-2-1l, all relating to the reorganization of certain code provisions that organize the executive branch of state government.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2013, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2360—A Bill to repeal §11-1C-5b of the Code of West Virginia, 1931, as amended; to repeal §18-9A-2a of said code; and to amend and reenact §18-9A-2 and §18-9A-11 of said code, all relating to public school support computation of local share; removing provisions for using assumed assessed values for the purpose of computation; removing provisions for increasing counties' local share responsibility for funding basic foundation education formula when property assessments are not at least fifty-four percent of market value as indicated by assessment ratio study; revising definitions; removing

certain provisions relating to obligations created in special acts for certain counties to provide funding for public libraries; and encouraging county boards to support public libraries within their counties.

Referred to the Committee on Education; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2013, and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2508—A Bill to amend and reenact §7-22-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-38-7 of said code, all relating to the amount of capital investment required as a prerequisite to approval of an economic opportunity development district project; increasing the capital investment threshold amount from more than \$25 million to more than \$75 million for development expenditures proposed to be made in county economic opportunity development districts and in municipal economic opportunity development districts in the first twenty-four months following their creation; and increasing the capital investment threshold amount from more than \$25 million to more than \$75 million for development expenditures in a project involving remediation to be made in county economic opportunity development districts and in municipal economic opportunity development districts in the first forty-eight months following their creation.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2514—A Bill to amend and reenact §11-13X-5 of the Code of West Virginia, 1931, as

amended, relating to the Film Industry Investment Act; lowering the amount of credit allowed and lowering the total amount of tax credits available in a given fiscal year.

Referred to the Committee on Finance.

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

Eng. House Bill No. 2516—A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act so the definitions conform with the Internal Revenue Code's definitions; and specifying effective dates.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2534—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, as amended, by adding thereto a new article, designated §47-26-1, §47-26-2, §47-26-3, §47-26-4 and §47-26-5, all relating to the regulation of pawn brokers; defining terms; requiring transaction records; specifying misdemeanor criminal penalty for violations; requiring record retention; and allowing for additional local regulation by municipalities or counties.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2784—A Bill to amend and reenact §7-14D-2, §7-14D-7, §7-14D-9, §7-14D-16 and §7-14D-19 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §7-14D-7a, all relating to the Deputy Sheriff Retirement System Act; defining member, retire and retirement; providing for the correction of errors; providing that an estimation of benefits is provided prior to the submission of a retirement application from a member; and providing for recertification of disability.

At the request of Senator Unger, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2814—A Bill to amend and reenact §61-2-17 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §61-11B-1, §61-11B-2, §61-11B-3, §61-11B-4, §61-11B-5, §61-11B-6 and §61-11B-7, all relating to human trafficking; modifying definitions of human trafficking and sex trafficking of adults; authorizing forfeiture of certain assets used in human trafficking; authorizing civil cause of action for victims of human trafficking; requiring classification of victims and immigration assistance under specified circumstances; specifying that a victim of human trafficking is a victim under the West Virginia Crime Victims Compensation Act; providing a procedure for vacating certain prostitution convictions; and providing that remedies are cumulative.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2848—A Bill to amend and reenact §11A-3-18, §11A-3-22, §11A-3-27, §11A-3-28 and §11A-3-55 of the Code of the West Virginia, 1931, as amended, all relating generally to the sale of tax liens and nonentered, escheated and waste and unappropriated lands; providing for the forfeiture of the rights of a purchaser under certain circumstances where a tax certificate of sale has ceased to be a lien on the property; authorizing certain refunds after forfeiture of rights to a tax deed if requested in a timely manner; establishing an alternative mailing address for the delivery of certain notices to redeem property; modifying the requirements for petitioning to compel execution of a deed by the auditor; and removing provisions that preserve certain rights of a purchaser and that award costs to a petitioner in the case of a petition where a court determines the auditor's failure or refusal to execute a deed was without reasonable cause.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill No. 2858—A Bill to amend and reenact §24-2-4f of the Code of West Virginia, 1931, as amended, relating generally to consumer rate relief bonds; providing that the rate adjustment mechanism is the exception to the state's pledge not to reduce, alter or impair consumer rate relief charges until all amounts to be paid to an assignee or financing party are paid or performed in full.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2933—A Bill to amend and reenact §62-12-13 and §62-12-23 and of the Code of West Virginia, 1931, as amended, all relating to the Parole Board’s duty to notify prosecuting attorneys of an offender’s parole hearing and release.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 12—Expressing the sense of the Legislature that designating the annual observance of March 31 as “West Virginia State Trooper Day” will appropriately honor the West Virginia State Police and our state troopers and, in addition, serve to increase the awareness and understanding of the West Virginia State Police and our state troopers’ contributions to the daily fabric of our lives and sacrifices to theirs and their families.

On motion of Senator Unger, consideration of the message was made a special order of business under unfinished business for Friday, March 29, 2013.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 17—Requesting that the I-79 interchange at Exit 34, the Wallback, West Virginia exit, be named the “State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Interchange”, that each bridge at the interchange be named the “State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman

Memorial Bridge”, and that the east-bound and west-bound lanes of State Route 36 at the interchange be named the “State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Road”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 50—Requesting the Joint Committee on Government and Finance to schedule the June 2013 Legislative Interim Committee meetings in Wheeling during the week of June 20.

Referred to the Committee on Rules.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 73—Requesting the Division of Highways to rename bridge number 30-3/5-21.47 on County Road 3/5 in Mingo County, West Virginia, currently known as Board Camp Branch Bridge, the “Nancy E. May Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 74—Requesting that bridge number 17-270-1.33 on Route 270 in Lost Creek, Harrison County, West Virginia, be named the “USMC LCpl. David Lee Powell Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 78—Requesting the Division of Highways to name bridge number 17a322 spanning Ann Run in Bridgeport, in Harrison County the “Louis J. “Zeke” Trupo Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 87—Requesting the Division of Highways to erect signs at the Tyler County line on WV Route 2, entering from Pleasant County at mile point 0.00, and entering from Wetzel County at mile point 13.93; and on WV Route 18 entering from Doddridge County at mile point 0.00, that read “Home of the 2011 FFA Land Judging and Homesite Evaluation National Champions”.

Referred to the Committee on Transportation and Infrastructure.

Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on March 22, 2013, he had approved **Enr. Senate Bill No. 197**.

The Senate proceeded to the fourth order of business.

Senator Jenkins, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill No. 403, Relating to judicial retirement system contribution rates.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Evan H. Jenkins,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on Pensions pending.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 491, Relating to rental car license cost recovery fee.

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

Respectfully submitted,

Robert D. Beach,
Chair.

Senator Jenkins, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill No. 507, Relating to PERS and State Police Retirement System contribution rates.

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

Respectfully submitted,

Evan H. Jenkins,
Chair.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 515, Relating to use of television receivers and other devices in vehicles.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 521, Creating amnesty program for certain drivers with suspended licenses.

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

Com. Sub. for Senate Bill No. 521 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17B-3-3c and §17B-3-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17B-3-9a, all relating to creating an amnesty program for certain persons with suspended or revoked licenses to allow reinstatement; establishing a time period and certain procedures for the amnesty program; creating exceptions to the amnesty period; making certain technical corrections; requiring certain tickets amnestyed remain listed as unsatisfied on court records and amounts remain due; requiring certain suspension or revocation time remaining be waived in certain situations; requiring a public awareness campaign regarding the amnesty program; and providing for rule-making authority.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill (Com. Sub. for S. B. No. 521), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Jenkins, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill No. 576, Transferring moneys from Unclaimed Property Trust Fund to Municipal Pensions and Protection Fund.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Evan H. Jenkins,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Jenkins, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill No. 583, Extending deadline for EMS director to pay transfer costs to PERS.

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

Com. Sub. for Senate Bill No. 583 (originating in the Committee on Pensions)—A Bill to amend and reenact §16-5V-9 of the Code of

West Virginia, 1931, as amended, relating to transfer from Public Employees Retirement System to the Emergency Medical Services Retirement System; and providing that a transferring director has thirty-six months from the date of application to pay all associated costs.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Evan H. Jenkins,
Chair.

The bill (Com. Sub. for S. B. No. 583), under the original double committee reference, was then referred to the Committee on Finance.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution No. 17, Requesting DOH name bridge in Randolph County “Army Captain Bernard Francis Jones Memorial Bridge”.

Senate Concurrent Resolution No. 19, Requesting DOH name bridge in Kanawha County “U. S. Army Sgt. Archie W. Searls Memorial Bridge”.

Senate Concurrent Resolution No. 21, Requesting DOH name bridge in Logan County “Navy Lieutenant, Junior Grade, Edsel Carl Varney Memorial Bridge”.

House Concurrent Resolution No. 31, The “WWII 78th Lightning Division Road”.

And,

House Concurrent Resolution No. 68, The “Army Maj. Gen. Charles C. Rogers Memorial Bridge”.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Unger, unanimous consent being granted, the resolutions (S. C. R. No. 17, S. C. R. No. 19, S. C. R. No. 21, H. C. R. No. 31 and H. C. R. No. 68) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

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

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senator Miller:

Senate Bill No. 626—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§61-10-24, relating to creating a misdemeanor offense of law-enforcement or emergency services personnel taking pictures of certain victims of crime or accident for personal use; and establishing penalties.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Beach, Laird, Unger and Williams:

Senate Bill No. 627—A Bill to amend and reenact §22-2-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-3-10 and §22-3-13 of said code, all relating generally to the Abandoned Mine Lands and Reclamation Act and Surface Coal Mining and Reclamation Act; and requiring certain reclamation for post-mining land use to utilize the Clements State Tree Nursery.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senators Plymale, Kessler (Mr. President), Chafin, Jenkins, Cann, D. Hall, Miller and Cookman:

Senate Bill No. 628—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-5a, relating to requiring the Supreme Court of Appeals to establish a special program for the appointment of additional probation officers to address truancy.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Facemire, Kessler (Mr. President) and Plymale:

Senate Bill No. 629—A Bill to amend and reenact §22-27-3, §22-27-4, §22-27-5, §22-27-6 and §22-27-10 of the Code of West Virginia, 1931, as amended, all relating to limiting the liability of landowners, operators and contractors participating in water pollution abatement projects or making beneficial use of mine drainage, mine pool water and other water supplies; defining terms;

establishing conditions for approval of reclamation and water pollution abatement projects; specifying limitations on liability; restricting the assumption of liability for making beneficial use of mine water; specifying exclusions of project sponsors and operators from certain determinations under environmental laws; and clarifying exceptions.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

By Senator Unger:

Senate Bill No. 630—A Bill to amend and reenact §5A-6-4a of the Code of West Virginia, 1931, as amended, relating to duties of the Chief Technology Officer with regard to security of government information; adding the Division of Protective Services and the West Virginia Intelligence/Fusion Center to the list of agencies to which this section does not apply; adding the Treasurer to the list of officers whose responsibilities are not infringed upon by this section; and making technical corrections.

Referred to the Committee on Government Organization.

By Senators Unger and McCabe:

Senate Bill No. 631—A Bill to amend and reenact §31-18D-6 and §31-18D-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §31-18D-16, all relating to providing bonding authority to the West Virginia Affordable Housing Fund.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Green, Cann, D. Hall and Stollings:

Senate Bill No. 632—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2 and §11-13DD-3, all relating to providing

tax credits for use of emergency generators with mobile unit hookups by businesses with a minimum of fifty locations in this state.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

By Senators Chafin, Kessler (Mr. President), Edgell, Green, D. Hall, M. Hall, Laird, Miller and Plymale:

Senate Bill No. 633—A Bill to amend and reenact §17-23-4 of the Code of West Virginia, 1931, as amended, relating to roads and highways; and residential community waivers for salvage yards.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Chafin:

Senate Bill No. 634—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13B-1 and §11-13B-2, all relating to imposing a tax to produce revenue of approximately \$10 million to be dedicated to the West Virginia Division of Tourism for promotion and maintenance of outdoor activities.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

By Senators Cole and Chafin:

Senate Bill No. 635—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-6-31, relating to the right of the landlord of commercial premises to terminate the lease under certain circumstances; and providing a process for the termination.

Referred to the Committee on the Judiciary.

By Senator Laird:

Senate Bill No. 636—A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to speed restrictions and penalties; and providing that municipalities receive no more than \$25 from speeding fines and costs for speeding violations on four-lane controlled-access highways or interstate highways located within the limits of a municipality.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators M. Hall, Barnes and Carmichael:

Senate Bill No. 637—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-27, relating to limiting medical monitoring in civil actions concerning hazardous or toxic substances to two years; and providing that this limitation applies to actions filed after July 1, 2013.

Referred to the Committee on the Judiciary.

By Senators Prezioso and Plymale:

Senate Bill No. 638—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-22, relating to exemptions from the tax on the privilege of severing natural gas and oil; terminating a severance tax exemption for natural gas or oil; providing an exception; and specifying a controlling effective date.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on Finance.

By Senator M. Hall:

Senate Bill No. 639—A Bill to amend and reenact §56-1-1 of the Code of West Virginia, 1931, as amended, relating to when a West Virginia resident may not be joined as a codefendant in any civil action in the circuit courts of the state.

Referred to the Committee on the Judiciary.

By Senators Fitzsimmons, Cookman, Walters, Yost, Unger and Plymale:

Senate Bill No. 640—A Bill to amend and reenact §61-8A-1, §61-8A-2, §61-8A-3, §61-8A-4 and §61-8A-5 of the Code of West Virginia, 1931, as amended, all relating generally to the prohibition on the preparation, distribution or exhibition of harmful matter to minors; revising the definition of “obscene matter” to contain specific matter that is harmful to minors; and revising the article to reflect the definitional change.

Referred to the Committee on the Judiciary.

By Senators Fitzsimmons, Palumbo, Tucker, Yost and Williams:

Senate Bill No. 641—A Bill to amend and reenact §51-2A-6 of the Code of West Virginia, 1931, as amended, relating to increasing the compensation caps for secretary-clerks and case coordinators in the family court system.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Carmichael:

Senate Bill No. 642—A Bill to amend and reenact §16-13-18 of the Code of West Virginia, 1931, as amended, relating to supervision of works by a sanitary board; and providing that if a professional engineer is under contract for a project, an engineer is not required to serve on the sanitary board.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senators Unger, Kessler (Mr. President) and Laird:

Senate Bill No. 643—A Bill to amend and reenact §14-2A-3, §14-2A-9 and §14-2A-12 of the Code of West Virginia, 1931, as

amended, all relating to compensation awards to victims of crimes; increasing the amount of victim relocation costs; permitting a victim's reasonable travels costs to attend probation hearings of the offender; redefining a term; permitting the Court of Claims to hire more than two claim investigators; and permitting claim investigators to acquire autopsy reports, including toxicology results, from the State Medical Examiner.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Barnes, Carmichael and Wells:

Senate Bill No. 644—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, §18-33-4, §18-33-5, §18-33-6, §18-33-7, §18-33-8, §18-33-9, §18-33-10, §18-33-11, §18-33-12, §18-33-13 and §18-33-14, all relating to public competitive learning academies; definitions; applicable regulatory and statutory requirements; exemptions from state laws and rules; creating public competitive learning academy or conversion of public school to public competitive learning academy; application process; approval and denial of application; competitive learning academy status term; terminating public competitive learning academy; public competitive learning academy requirements; funding; enrollment; student transportation; conditional approval; information on competitive learning academies; leaves of absence for teachers; employment of school personnel; and benefits.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Facemire and Cann:

Senate Bill No. 645—A Bill to amend and reenact §11-1C-5b of the Code of West Virginia, 1931, as amended, relating to fair and equitable property valuation; assessment for purpose of calculating local share; and sales ratio analysis of market value of real property

and specifying that the sixty percent ratio of market value is to be based upon market value determined within the three-year period preceding the analysis.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Palumbo, Prezioso, Fitzsimmons, Cookman, McCabe and Plymale:

Senate Bill No. 646—A Bill to amend and reenact §17C-5-2 and §17C-5-2b of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-5A-1, §17C-5A-2, §17C-5A-3 and §17C-5A-3a of said code, all relating to making it a felony to drive a vehicle while under the influence of alcohol, controlled substance or other drug and cause serious bodily injury to another person; and establishing penalties for first and subsequent violations of certain provisions.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senators Wells and Jenkins:

Senate Bill No. 647—A Bill to amend and reenact §15-1J-2, §15-1J-3 and §15-1J-4 of the Code of West Virginia, 1931, as amended, all relating to the funding of the West Virginia Military Authority; and allowing use of funds from special revenue accounts.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Plymale, Chafin, Jenkins, Cann and Stollings:

Senate Bill No. 648—A Bill to amend and reenact §18C-3-2 of the Code of West Virginia, 1931, as amended, relating to providing state aid for certain students pursuing certain degrees; requiring a service commitment to state and setting forth alternatives to service; requiring legislative rule; and specifying rule provisions.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Edgell, Facemire and Prezioso:

Senate Bill No. 649—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9D-4a, relating generally to facilitating and enforcing compliance with the Tobacco Master Settlement Agreement; and imposing bonding requirements on certain nonparticipating manufacturers.

Referred to the Committee on Finance.

By Senators Williams, Chafin and Plymale:

Senate Bill No. 650—A Bill to amend and reenact §3-4A-2, §3-4A-8, §3-4A-23 and §3-4A-27 of the Code of West Virginia, 1931, as amended, all relating generally to voting system certification and procedures at the central counting center; updating and clarifying the definitions related to electronic voting systems; updating language related to approval of electronic voting systems; correcting internal references; and updating and clarifying language related to proceedings at the central counting center.

Referred to the Committee on the Judiciary.

By Senator Walters:

Senate Bill No. 651—A Bill to amend and reenact §12-3-12 of the Code of West Virginia, 1931, as amended, relating to the expiration of unexpended appropriations; and allowing state agencies and departments to keep fifty percent of all surplus funds.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Snyder, Jenkins, Boley and Tucker:

Senate Bill No. 652—A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to criminal background checks for applicants for home inspectors.

Referred to the Committee on Government Organization.

By Senators Kessler (Mr. President), Unger, Plymale, Snyder, Prezioso, Edgell, Palumbo, Facemire, Cann, Jenkins, Williams and Stollings:

Senate Bill No. 653—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-2B-1, relating to authorizing the establishment of job creation work groups to obtain information to assist the Legislature's efforts to take effective action to increase and attract jobs in West Virginia.

Referred to the Committee on Economic Development.

By Senators Miller, D. Hall, Cann, Green, Laird and Jenkins:

Senate Bill No. 654—A Bill to amend and reenact §25-1-11d of the Code of West Virginia, 1931, as amended, relating to providing a \$2,008 salary increase for employees of the Division of Corrections.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senator Beach:

Senate Bill No. 655—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-17B-1, §17-17B-2, §17-17B-3, §17-17B-4, §17-17B-5, §17-17B-6, §17-17B-7, §17-17B-8 and §17-17B-9, all relating to DOT-Parkways Authority Collection Enforcement; creating the Safe and Efficient Parkways Act (SEPA); authorizing the electronic enforcement of collection of tolls; establishing penalties for nonpayment and damage to facilities; keeping certain information collected confidential and not subject to the Freedom of Information Act; allowing limited restricted and confidential access to certain information pursuant to subpoenas and court orders on a strictly confidential basis; granting rule-making authority; and defining terms.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Snyder, Fitzsimmons, Yost, Prezioso and Stollings:

Senate Bill No. 656—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22A-20, relating to establishing a gaming industry special study committee to assess problems facing the gaming industry in West Virginia.

Referred to the Committee on the Judiciary.

By Senators Laird, Wells, Beach, Miller, Jenkins and D. Hall:

Senate Bill No. 657—A Bill to amend and reenact §18A-4-2b of the Code of West Virginia, 1931, as amended, relating to including school social workers in minimum salary supplement; and educational expense reimbursement for professional personnel with recognized national certification.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Stollings and Plymale:

Senate Bill No. 658—A Bill to extend the time for the city council of the city of Madison, Boone County, to meet as a levying body for the purpose of presenting to the voters of the city an election to supplement current funds for the city police department, the city street department, recreation and for general government and for the purpose of paying all costs incurred in the laying of this additional levy from between March 7 and March 28 and the third Tuesday in April until May 31, 2013.

Referred to the Committee on Government Organization.

By Senators Beach, Sypolt, Boley, D. Hall, Green, Williams and Kessler (Mr. President):

Senate Bill No. 659—A Bill to amend and reenact §7-1-3v of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §7-1-3pp, all relating to floodplain and mudslide area management; and requiring the State Coordinator of the National Flood Insurance Program to review proposed building codes, or amendments to an existing building code, and establish a system of permit fees for applications for projects within any specified area or areas of a county or municipality which has enacted a building code.

Referred to the Committee on Government Organization.

By Senators Unger, Kessler (Mr. President) and Fitzsimmons:

Senate Bill No. 660—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-11a, relating to preventing taxpayer subsidization of health insurance covering elective abortions; prohibiting all qualified health plans offered through a state exchange from including abortion coverage except to prevent the death of the mother; and preventing all other health plans, including health insurance contracts, plans or policies, offered outside of the exchange, but within the state, from providing coverage for elective abortions except by optional separate supplemental coverage for abortion.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Walters and Stollings:

Senate Bill No. 661—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-3-6, relating to creating a pilot program that provides incentives to recipients of Temporary Assistance for Needy Families cash benefits whose children achieve certain standards of academic performance.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

Senators Beach and Williams offered the following resolution:

Senate Concurrent Resolution No. 32—Requesting the Division of Highways name bridge number 31-857-10.20 over Cheat Lake, Monongalia County, West Virginia, the “U. S. Army and Air National Guard Col. Garry L. Bowers - Ices Ferry Bridge”.

Whereas, Garry L. Bowers was a life-long resident of Morgantown where he attended West Virginia University starting his first public service job at the WCLG AM/FM Radio Station in Morgantown, West Virginia, as an announcer; and

Whereas, In 1983, he became the owner of WCLG after many years of service; and

Whereas, During his tenure at WCLG Garry L. Bowers began his second public service job by joining the Army National Guard in 1966; and

Whereas, After four years of service, he transferred to the Air National Guard in 1970; and

Whereas, During his service in the Air National Guard, Garry L. Bowers served active duty at Air Force Systems Command and then SAF/PA at the Pentagon, with a final assignment as the Reserve Deputy Director of Public Affairs; and

Whereas, Upon retirement in 1998, he achieved full Colonel for his dutiful service; and

Whereas, While serving his country, Colonel Garry L. Bowers also served his community by chartering the Rotary Club of Cheat Lake, West Virginia, in 1979; and

Whereas, Garry L. Bowers became the first inaugural President of the Rotary Club of Cheat Lake, West Virginia, which committed itself, past and present, to various community initiatives, such as support of many annual scholarships, Cheat Lake Baseball Fields and Cheat Lake Volunteer Fire Department; and

Whereas, Upon that fateful day in 2011, Colonel Garry L. Bowers passed away upon giving complete devotion of service to country and community; and

Whereas, It is only fitting and proper that this bridge be named in his honor and that it henceforth stand as a permanent memorial so that Colonel Garry L. Bowers' supreme public service for our nation and his community will never be forgotten; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 31-857-10.20 over Cheat Lake, Monongalia County, West Virginia, the "U. S. Army and Air National Guard Col. Garry L. Bowers - Ices Ferry Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the Bridge as the "U. S. Army and Air National Guard Col. Garry L. Bowers - Ices Ferry Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the family of Colonel Garry L. Bowers and to the Secretary of the Department of Transportation.

Which, under the rules, lies over one day.

Senators D. Hall, Green, Kessler (Mr. President), Unger, Laird, Williams, Miller, Plymale and Stollings offered the following resolution:

Senate Resolution No. 45—Designating Monday, March 25, 2013, as “Wyoming County Day at the Capitol”.

Whereas, Cradled in the southern tip of West Virginia, Wyoming County was created in 1850 from Logan County and named for the Delaware Indian word meaning “large plains”; and

Whereas, Wyoming County is rich in history, where remains of old coal mines, miners’ camps and coal tipples now draw tourists from many miles away; and

Whereas, Wyoming County has four entries on the National Register of Historic Places (NRHP), including the Itmann Company Store and Office, built in 1923-1925, the county courthouse, built in 1916, the adjoining jail, constructed in 1929, and the Wyc Community Church, built in 1917; and

Whereas, Pineville, the county seat, is home to Castle Rock, a 165-foot sandstone cliff that towers over the mouth of Rockcastle Creek; and

Whereas, Wyoming County is home to many recreational attractions, such as the Hatfield-McCoy Trails, Castle Rock Trailhead, R. D. Bailey Lake and Twin Falls State Park; and

Whereas, Wyoming County is the home of notable West Virginians such as Mike D’Antoni, who is the current head coach of the Los Angeles Lakers, and Christy Martin, a female professional boxer known nationwide as the “Coal Miner’s Daughter”; and

Whereas, The Senate is proud to celebrate the history and culture of Wyoming County on this day at the Capitol; therefore, be it

Resolved by the Senate:

That the Senate hereby designates Monday, March 25, 2013, as “Wyoming County Day at the Capitol”; and, be it

Further Resolved, That the Senate recognizes the many contributions of the people of Wyoming County to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Wyoming County.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

Senate Concurrent Resolution No. 28, Requesting DNR study making Upper Mud River Wildlife Management and Recreation Area a state park.

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

Senate Concurrent Resolution No. 29, Requesting DOH name bridge number 20-64-54.37 “Cpl. Kenneth R. Hess Bridge”.

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

Senate Concurrent Resolution No. 30, Requesting DOH name bridge in Wyoming County “Army SP4 Jackie McMillion Memorial Bridge”.

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

Senate Concurrent Resolution No. 31, Requesting DOH place signs at Tyler County line reading “Home of the 2011 FFA National Champions”.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 11, Relating to schedules of controlled substances.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 11) passed with its title.

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

Eng. Senate Bill No. 190, Relating to public-private transportation projects funding.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 190) passed.

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

Eng. Senate Bill No. 190—A Bill to amend and reenact §17-27-5 and §17-27-9 of the Code of West Virginia, 1931, as amended, all relating to the funding of transportation public-private partnership projects and their corresponding comprehensive agreements; eliminating requirement that money from the State Road Fund only be used for public-private partnership projects where the money serves as a required match for federal funds specifically earmarked in a federal authorization or appropriation bill and does not exceed four percent of the immediate preceding three fiscal years' average of the Division of Highways' construction contracts awarded under the competitive bid process; allowing public-private partnership projects to use money from the State Road Fund when the projects are in excess of \$20 million, constructed by the Division of

Highways and contained in its six-year plan; providing that any earnings in excess of maximum rate of return that is negotiated in comprehensive agreements be deposited in the State Road Fund; providing a sunset provision prohibiting comprehensive agreements for public-private partnership projects after June 30, 2017; eliminating the requirement that a comprehensive agreement for public-private partnership projects be approved by concurrent resolution of the Legislature and be submitted to the Governor for his or her approval or disapproval before the Division of Highways enters into the comprehensive agreement; and mandating that the Division of Highways provide a copy of any comprehensive agreement to the Legislature's Joint Committee on Government and Finance at least thirty days prior to said agreement being executed by the Division of Highways for a public-private partnership project.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 190) takes effect July 1, 2013.

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

Eng. Com. Sub. for Senate Bill No. 461, Relating to procedures and protections for child witnesses in domestic relations proceedings.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 461) passed with its title.

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

Eng. Senate Bill No. 489, Permitting community enhancement districts to decrease annual property assessments.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 489) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 489) takes effect from passage.

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

Eng. Senate Bill No. 523, Making supplementary appropriation of unappropriated moneys to various accounts.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins,

Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Plymale—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 523) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Plymale—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 523) takes effect from passage.

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

Eng. Senate Bill No. 524, Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOT.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 524) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 524) takes effect from passage.

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

Eng. Senate Bill No. 525, Making supplementary appropriation of federal funds to various accounts.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Barnes—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 525) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Barnes—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 525) takes effect from passage.

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

Eng. Senate Bill No. 526, Making supplementary appropriation of federal funds to DHHR, Division of Human Services-Temporary Assistance for Needy Families.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 526) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 526) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill No. 534, Correcting internal code reference regarding insurance information disclosure.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 534) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 534) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill No. 544, Scheduling departmental performance reviews.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 544) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill No. 158, Creating Complete Streets Act.

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

Com. Sub. for Com. Sub. for Senate Bill No. 187, Creating Jobs Impact Statement Act.

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

Com. Sub. for Com. Sub. for Senate Bill No. 336, Relating to interscholastic athletics concussions and head injuries.

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

Com. Sub. for Senate Bill No. 414, Clarifying hunting and fishing license-issuing authorities.

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

Com. Sub. for Senate Bill No. 440, Relating to disclosure of specified tax information for enforcement of Tobacco Master Settlement Agreement.

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

Com. Sub. for Senate Bill No. 445, Allowing Tax Commissioner divert lottery prizes to offset tax liabilities of lottery winners.

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

Senate Bill No. 496, Finding and declaring certain claims against state.

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

Com. Sub. for Senate Bill No. 535, Relating to process for maintaining voter registration lists.

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

Com. Sub. for Senate Bill No. 538, Eliminating requirement law enforcement maintain files of domestic violence orders.

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

Com. Sub. for Senate Bill No. 565, Creating reverse auction pilot program for purchasing office supplies.

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

Com. Sub. for Senate Bill No. 584, Creating Pretrial Release Program.

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

The Senate proceeded to the tenth order of business.

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

Senate Bill No. 10, Permitting independent initiation of disciplinary proceedings by certain licensing boards.

Com. Sub. for Senate Bill No. 80, Including substitute teaching in job duties of certain professional educators employed by county boards.

Com. Sub. for Senate Bill No. 243, Authorizing DEP promulgate legislative rules.

Com. Sub. for Senate Bill No. 265, Authorizing DHHR promulgate legislative rules.

Com. Sub. for Senate Bill No. 384, Increasing certified legal education credits required for court-appointed attorneys in juvenile cases.

Com. Sub. for Senate Bill No. 406, Relating to Deputy Sheriff Retirement System Act.

Com. Sub. for Senate Bill No. 418, Relating to Emergency Medical Services Retirement System Act.

Com. Sub. for Senate Bill No. 419, Relating to Teachers Retirement System.

Senate Bill No. 429, Redefining “facility” under Medication Administration by Unlicensed Personnel Act.

Com. Sub. for Senate Bill No. 430, Defining “employment term” in Teachers’ Defined Contribution Retirement System.

Com. Sub. for Senate Bill No. 431, Relating to public employer liability for delinquent retirement contributions.

Com. Sub. for Senate Bill No. 469, Clarifying service credit for certain PERS members.

Com. Sub. for Senate Bill No. 508, Creating per-credit-hour tuition demonstration pilot project.

And,

Com. Sub. for Senate Bill No. 570, Cleaning up outdated language in code relating to elections.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Chafin.

Thereafter, at the request of Senator Barnes, and by unanimous consent, the remarks by Senator Chafin were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Tuesday, March 26, 2013, at 11 a.m.

TUESDAY, MARCH 26, 2013

The Senate met at 11 a.m.

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

Prayer was offered by Chaplain Pablo Gonzales, Retired Chaplain of the United States Army and Veterans Administration Medical Center, Huntington, West Virginia, and Pastor, Vinson Memorial Disciples of Christ Church, Huntington, West Virginia.

Pending the reading of the Journal of Monday, March 25, 2013,

On motion of Senator Prezioso, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2463—A Bill to repeal §27-16-1, §27-16-2, §27-16-3, §27-16-4 and §27-16-5 of the Code of West Virginia, 1931, as amended, relating to sterilization of mental defectives.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 11—Requesting the State of West Virginia to annually recognize August 16 as “Airborne Day” in West Virginia.

Referred to the Committee on Government Organization.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution No. 42, The “Mike Whitt Visionary Leadership Highway”.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 53—Requesting the Division of Highways to name the bridge crossing Pine Creek at Omar, Logan County, bridge number 23-119/5-0.23, the “Oral Gene Castle Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 66—Requesting the Division of Highways name bridge number 23-119-18.13 in Chapmanville, Logan County, West Virginia, on Corridor G, close to Trace Fork Road, the “PFC Casey West Memorial Bridge, United States Army”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 76—Requesting the Division of Highways to name bridge number 31-119/39-0.12 crossing over Deckers Creek in Morgantown, Monongalia County, the “John W. Pyles Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 80—Urging the United States Congress to move West Virginia from the United States

Environmental Protection Agency's (EPA) Region 3 office in Philadelphia to the EPA's Region 4 office in Atlanta.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Senate Bill No. 52, Relating to Rural Health Initiative Act.

Com. Sub. for Senate Bill No. 146, Collecting unpaid magistrate court charges through income tax refund withholding.

Senate Bill No. 463, Increasing special license fee paid by pipeline companies to PSC.

And,

Com. Sub. for Senate Bill No. 482, Relating to sale of voter registration lists.

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

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 157, Exempting certain nonresidents from Class D license requirement.

And,

Senate Bill No. 506, Relating to residency requirement of state-chartered banking institution directors.

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

Respectfully submitted,

Corey Palumbo,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill No. 331, Permitting Courthouse Facilities Improvement Authority to issue bonds.

With an amendment from the Committee on Government Organization pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Government Organization to which the bill was first referred.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 354, Requiring study on alternative revenue sources for funding state roads.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Robert D. Beach,
Chair.

On motion of Senator Beach, the bill (S. B. No. 354) contained in the foregoing report from the Committee on Transportation and Infrastructure was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill No. 394, Relating to scholarships for dependent children of state troopers who die in performance of duty.

With an amendment from the Committee on the Judiciary pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on the Judiciary to which the bill was first referred.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Tucker, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill No. 410, Relating to property insurance coverage denied or canceled due to natural causes.

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

Com. Sub. for Senate Bill No. 410 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §33-17A-4 of the Code of West Virginia, 1931, as amended, relating to property insurance declination, termination and disclosure; providing that property insurance may not be denied renewal or canceled as a result of any claim arising from natural disaster; and providing that an insurer may not cancel or fail to renew a property insurance coverage policy solely because the insured inquires about coverage for a potentially covered loss.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on the Judiciary.

Respectfully submitted,

Gregory A. Tucker,
Chair.

On motion of Senator Tucker, the bill (Com. Sub. for S. B. No. 410) contained in the foregoing report from the Committee on Banking and Insurance was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill No. 428 (originating in the Committee on Health and Human Resources), Relating to costs for HIV or STD testing by Bureau for Public Health.

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

Com. Sub. for Com. Sub. for Senate Bill No. 428 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §16-3C-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-4-19 of said code, all relating generally to testing for HIV and sexually transmitted diseases; removing limitations on billing patients for HIV and sexually transmitted disease testing or sexually transmitted disease treatment done by state or local public health agencies; and clarifying the procedures relating to performing HIV or sexually transmitted disease tests on persons charged with sexual offenses.

And,

Com. Sub. for Senate Bill No. 488 (originating in the Committee on Energy, Industry and Mining), Relating to damage to health or safety systems of certain facilities.

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

Com. Sub. for Com. Sub. for Senate Bill No. 488 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-3-29 of the Code of West Virginia, 1931, as amended, relating to prohibiting damage to property of railroads, public utilities and certain production storage and distribution facilities; adding waste management facilities, storage facilities and timber operations to the protected properties; prohibiting destruction, damage or removal of property resulting in impairment to the normal, safe operation of those facilities; and providing criminal penalties.

With the recommendation that the two committee substitutes for committee substitutes do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Miller, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill No. 437, Regulating commercial dog-breeding operations.

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

Com. Sub. for Senate Bill No. 437 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-26, relating to protecting dogs by creating regulations for commercial dog-breeding operations; providing definitions; providing exceptions; allowing commercial breeders to sell dogs only as household pets; requiring

a business license if required by the locality; authorizing county commissions to charge a fee to a commercial dog breeder to obtain an annual permit to operate; limiting the amount of the fee; setting forth responsibilities of the commercial dog breeder; setting forth the requirements for maintaining adequate enclosures; providing for inspections; prohibiting a commercial dog breeder to operate if convicted of animal cruelty; providing no exemption for United States Department of Agriculture licensees; and providing criminal penalties.

And,

Senate Bill No. 490, Creating Equine Facilities and Care Act.

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

Com. Sub. for Senate Bill No. 490 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-34-1, §19-34-2, §19-34-3, §19-34-4, §19-34-5 and §19-34-6, all relating to the regulation of equine boarding facilities; permitting rulemaking; and establishing criminal penalties.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ronald F. Miller,
Chair.

The bills (Com. Sub. for S. B. Nos. 437 and 490), under the original double committee references, were then referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 448 (originating in the Committee on Transportation and Infrastructure), Increasing number of demonstration dealer plates issued to large commercial vehicle dealers.

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

Com. Sub. for Com. Sub. for Senate Bill No. 448 (originating in the Committee on Finance)—A Bill to amend and reenact §17A-6-10c of the Code of West Virginia, 1931, as amended, relating to authorizing the commissioner to issue no more than ten additional special demonstration plates, upon a showing of need, to new and used motor vehicle dealers engaged in the business of selling trailers, truck-tractors, road-tractors or trucks and that demonstrate the motor vehicles under actual work conditions to potential purchasers; and setting fee amount for additional plates.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 454, Relating to taxation of alternative motor fuels.

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

Com. Sub. for Senate Bill No. 454 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §11-14C-2, §11-14C-5, §11-14C-9, §11-14C-10, §11-14C-13 and §11-14C-19 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-14C-6a; to amend and reenact §11-15-18b of said code; and to amend and reenact §11-15A-13a of said code, all relating to the taxation of alternative fuel; defining terms; requiring the Tax Commissioner to determine the gasoline gallon equivalent for alternative fuels; imposing tax on motor fuel equivalent gallons; specifying the point of imposition of tax on alternative fuels not otherwise taxed at the point of imposition; providing that propane used in a motor vehicle is subject to the tax; requiring alternative-fuel bulk end users, providers of alternative fuels and retailers of alternative fuels to be licensed; establishing bonding requirements for alternative-fuel bulk end users, providers of alternative fuels and retailers of alternative fuels; establishing due dates for returns and payments of tax on alternative fuels; and specifying effective dates for amendments.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill (Com. Sub. for S. B. No. 454), under the original double committee reference, was then referred to the Committee on Finance.

Senator Tucker, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill No. 474, Clarifying when deposits are presumed abandoned for unclaimed property purposes.

And,

Senate Bill No. 509, Imposing statutory liens on certain fire insurance proceeds.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Government Organization.

Respectfully submitted,

Gregory A. Tucker,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Government Organization.

Senator Tucker, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill No. 483, Increasing fire and casualty insurance policies surcharge to benefit fire departments.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Gregory A. Tucker,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Tucker, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill No. 518, Authorizing Insurance Commissioner propose emergency and legislative rules for certain reviews.

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

Com. Sub. for Senate Bill No. 518 (originating in the Committee on Banking and Insurance)—A Bill to repeal §33-25C-5, §33-25C-6, §33-25C-7, §33-25C-9 and §33-25C-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §33-16H-1, §33-16H-2, §33-16H-3 and §33-16H-4, all relating to adverse benefit determinations by insurance companies and managed care organizations; mandating utilization review and internal grievance procedures; providing for external review of adverse determinations; defining terms; providing for judicial review of certain decisions; providing that a decision rendered by an independent review organization that is adverse to the issuer is binding on the issuer and not subject to further review; preserving other causes of action; deleting similar provisions applicable to only health maintenance organizations; and directing promulgation of emergency rules and proposal of legislative rules.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Gregory A. Tucker,
Chair.

The bill (Com. Sub. for S. B. No. 518), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 542, Relating to restricted races at pari-mutuel thoroughbred horse racetracks.

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

Com. Sub. for Senate Bill No. 542 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §19-23-13b of the Code of West Virginia, 1931, as amended, relating to restricted races at pari-mutuel thoroughbred horse racetracks; permitting up to two restricted races at certain tracks if there are at least seven single betting interests; permitting a third restricted race at certain tracks if there are at least nine single betting interests; and eliminating a provision concerning if less than seventy-five percent of the restricted races fail to receive enough entries to race.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Prezioso, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 563, Excluding platinum, gold, silver and palladium from definition of “scrap metal”.

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

Com. Sub. for Senate Bill No. 563 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-3-49 of the Code of West Virginia, 1931, as amended, relating to the purchase of scrap metal by scrap metal dealers; and excluding jewelry platinum, gold, silver and palladium from the definition of “scrap metal”.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Tucker, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill No. 592, Removing requirement Physicians' Mutual Insurance Company be nonprofit corporation.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Gregory A. Tucker,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Miller, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill No. 662 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend and reenact §19-12A-6a of the Code of West Virginia, 1931, as amended, relating to establishing a \$4 million cap for collections into the land division special revenue account of the Department of Agriculture.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Ronald F. Miller,
Chair.

On motion of Senator Miller, the bill (S. B. No. 662) contained in the foregoing report from the Committee on Agriculture and Rural Development was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

Senators Unger and Stollings offered the following resolution:

Senate Concurrent Resolution No. 33—Requesting the Joint Committee on Government and Finance study the safety, roles and responsibilities of the West Virginia Deputy Sheriff Reserve.

Whereas, West Virginia Deputy Sheriff Reserve members do not serve as law-enforcement officers, nor do they carry firearms; and

Whereas, West Virginia Deputy Sheriff Reserve members' duties are limited; and

Whereas, Many counties use West Virginia Deputy Sheriff Reserve as a force multiplier and National Guard-style contingency force for special details and disasters; and

Whereas, Properly trained West Virginia Deputy Sheriff Reserve members could serve as limited law-enforcement officers similar to special deputies or process servers; and

Whereas, The current Code limits West Virginia Deputy Sheriff Reserve members' duties and powers and removing some of those limitations would enhance their value and effectiveness; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the safety, roles and responsibilities of the West Virginia Deputy Sheriff Reserve; and, be it

Further Resolved, That the Joint Committee on Government and Finance seek input from the Governor's Committee on Crime, Delinquency and Correction, the West Virginia Sheriffs' Association, the West Virginia Deputy Sheriffs' Association, the West Virginia Chiefs of Police and the West Virginia Chapter of the Fraternal Order of Police; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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 legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senators Chafin, Stollings, Plymale, Jenkins and Cole offered the following resolution:

Senate Concurrent Resolution No. 34—Requesting the Division of Highways to name bridge number 50-36-0.30 on Sunnyside Road, just outside of Fort Gay, crossing over Mill Creek, in Wayne County, West Virginia, the “Mavis Granny Castle Bridge”.

Whereas, Mavis Castle, eighty-nine years old, was born, raised and has lived all her life on Sunnyside Road in Wayne County, West Virginia; and

Whereas, Mavis Castle, until she was sixty years of age, worked for vocational rehabilitation; and

Whereas, During the same year of her retirement from vocational rehabilitation, Mavis Castle began volunteering as a

foster grandparent in the Wayne County school system, where she continues, to date, and has served in this capacity for a spectacular twenty-eight years; and

Whereas, In light of her nearly three-decade span of valuable volunteer service, most of this at Fort Gay Elementary School, it is only fitting that a bridge near the town of her devoted service be named after her, in her honor, and as a token of appreciation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 50-36-0.30 on Sunnyside Road, just outside of Fort Gay, crossing over Mill Creek, Wayne County, West Virginia, the “Mavis Granny Castle Bridge”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge, in bold and prominent letters, as the “Mavis Granny Castle Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to Mavis Castle, to her son, Larry Castle, and to the Secretary of the Department of Transportation.

Which, under the rules, lies over one day.

Senators Cann, Kessler (Mr. President), Unger, Stollings, Plymale, Facemire and Williams offered the following resolution:

Senate Resolution No. 46—Congratulating the Bridgeport High School Lady Indians basketball team for winning the 2013 West Virginia Class AA State Championship.

Whereas, The Lady Indians completed a dominant season, finishing with an overall record of 25-2, including going undefeated

in conference play with a record of 18-0 and undefeated against all Class AA competition with a record of 20-0; and

Whereas, En route to winning the Class AA State Championship, the Lady Indians won the 2013 Region 2 Championship and the 2013 Region 2 Section 2 Championship; and

Whereas, The Lady Indians are led by their coach, Dave Marshall, and consist of team members Miki Glenn, Jacqueline Wolfe, Shae Tomasik, Hannah Fetty, Bailey Campbell, Tori Coulter, Magen Ware, Hope Chalfant, Lauren Wickenhofer, Sarah Randolph and Raina Young; and

Whereas, The Lady Indians not only excelled on the basketball court, but in the classroom as well, combining for an overall team grade point average of 3.74; and

Whereas, The Lady Indians displayed their strong will and determination for an entire season and are a shining example of what can be accomplished with teamwork, dedication and commitment; and

Whereas, The Lady Indians will be remembered as one of the best teams ever assembled in West Virginia high school girls basketball history; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Bridgeport High School Lady Indians basketball team for winning the 2013 West Virginia Class AA State Championship; and, be it

Further Resolved, That the Senate commends the coach and each individual team member for their outstanding accomplishments; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Bridgeport High School Lady Indians basketball team.

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

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

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

Senators Kessler (Mr. President), Unger, Stollings, Plymale, Jenkins, Fitzsimmons and Williams offered the following resolution:

Senate Resolution No. 47—Recognizing the Society of Human Resource Management for its hard work and dedication.

Whereas, The Society of Human Resource Management is a professional organization; and

Whereas, The Society of Human Resource Management submits certification qualification standards set down by the Human Resource Certification Institute; and

Whereas, The Society of Human Resource Management certifies members voluntarily through the rigorous testing of the Human Resource Certification Institute; and

Whereas, The Society of Human Resource Management has hundreds of professional members throughout West Virginia and a quarter million members in the United States; and

Whereas, West Virginia has seven state chapters and four student chapters and represents hundreds of organizations and employers in West Virginia; and

Whereas, The Society of Human Resource Management believes in respect for the thousands of workers in West Virginia that its professionals manage; and

Whereas, The Society of Human Resource Management practitioners dedicate themselves to legal compliance, bridging the gap between employees, employers and legal authorities; and

Whereas, The Society of Human Resource Management rigorously enforces in its members an established code of ethics; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Society of Human Resource Management for its hard work and dedication; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Society of Human Resource Management.

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

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

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Unger, and by unanimous consent, returned to the fourth order of business.

Senator Miller, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Concurrent Resolution No. 35 (originating in the Committee on Agriculture and Rural Development)—Requesting the Joint Committee on Government and Finance study West Virginia’s aging watershed dams and channels to determine how to address the operation, maintenance, repair and ownership of the watershed dams to ensure they continue to provide flood control, water supply and recreational benefits to the citizens of the state.

Whereas, The mission of the West Virginia Conservation Agency is to preserve West Virginia’s natural resources by working with partners to promote soil and water conservation; and

Whereas, The West Virginia Conservation Agency, working with the state’s conservation districts and local governments, is responsible for the inspection, operation, maintenance and repair of 170 watershed dams and twenty-two channels throughout West Virginia, and is also responsible for the rehabilitation of the state’s aging watershed dam infrastructure; and

Whereas, Of the 170 flood control dams, 169 have been classified as high hazard by the West Virginia Department of Environmental Protection’s Dam Safety Office; and

Whereas, A high-hazard classification means a failure would cause probable loss of life or catastrophic economic damage; and

Whereas, Forty-two of the 170 dams have been in operation for more than fifty years, and by 2017 another forty-one will exceed fifty years of age; and

Whereas, Based on an analysis by the federal Natural Resources Conservation Service, 104 of the 170 dams do not meet current engineering design standards; and

Whereas, The current method of financing the operation, maintenance and repair of the watershed dams and channels is inadequate to meet ongoing maintenance and repair needs; and

Whereas, Common repair problems include seeps, deteriorated metal, broken drain gates, damaged concrete risers, erosion, plugged drains, inadequate spillways and encroachment; and

Whereas, Due to federal budget constraints the Natural Resources Conservation Service is unable to assist in the rehabilitation of West Virginia's watershed infrastructure; and

Whereas, A number of the watershed dams are predominately on private land owned by farmers and state citizens and represent a danger of causing significant damage to agricultural land and, possibly, human life; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study West Virginia's aging watershed dams and channels to determine how to address the operation, maintenance, repair and ownership of the watershed dams to ensure they continue to provide flood control, water supply and recreational benefits to the citizens of the state; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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 draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Ronald F. Miller,
Chair.

On motion of Senator Miller, the resolution (S. C. R. No. 35) contained in the foregoing report from the Committee on Agriculture and Rural Development was then referred to the Committee on Rules.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 32, Requesting DOH name bridge in Monongalia County “U. S. Army and Air National Guard Col. Garry L. Bowers-Ices Ferry Bridge”.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 158, Creating Complete Streets Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 158) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 187,
Creating Jobs Impact Statement Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 187) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 336,
Relating to interscholastic athletics concussions and head injuries.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 336) passed with its title.

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

Eng. Com. Sub. for Senate Bill No. 414, Clarifying hunting and fishing license-issuing authorities.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 414) passed with its title.

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

Eng. Com. Sub. for Senate Bill No. 440, Relating to disclosure of specified tax information for enforcement of Tobacco Master Settlement Agreement.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 440) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 440) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill No. 445, Allowing Tax Commissioner divert lottery prizes to offset tax liabilities of lottery winners.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 445) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair–1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 445) takes effect July 1, 2013.

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

Eng. Senate Bill No. 496, Finding and declaring certain claims against state.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)–33.

The nays were: None.

Absent: Blair–1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 496) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird,

McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 496) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill No. 535, Relating to process for maintaining voter registration lists.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 535) passed with its title.

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

Eng. Com. Sub. for Senate Bill No. 538, Eliminating requirement law enforcement maintain files of domestic violence orders.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 538) passed with its title.

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

Eng. Com. Sub. for Senate Bill No. 565, Creating reverse auction pilot program for purchasing office supplies.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird,

McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—32.

The nays were: Cole—1.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 565) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—32.

The nays were: Cole—1.

Absent: Blair—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 565) takes effect July 1, 2013.

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

Eng. Com. Sub. for Senate Bill No. 584, Creating Pretrial Release Program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 584) passed with its title.

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

The Senate proceeded to the ninth order of business.

Senate Bill No. 10, Permitting independent initiation of disciplinary proceedings by certain licensing boards.

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

On motion of Senator Jenkins, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page twenty-seven, section fourteen, line four hundred fifty-three, by striking out the word “before” and inserting in lieu thereof the words “approved by”;

And,

On page twenty-seven, section fourteen, line four hundred fifty-five, by striking out the word “five” and inserting in lieu thereof the word “ten”.

The bill (S. B. No. 10), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 80, Including substitute teaching in job duties of certain professional educators employed by county boards.

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

Com. Sub. for Senate Bill No. 243, Authorizing DEP promulgate legislative rules.

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

Com. Sub. for Senate Bill No. 265, Authorizing DHHR promulgate legislative rules.

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

Com. Sub. for Senate Bill No. 384, Increasing certified legal education credits required for court-appointed attorneys in juvenile cases.

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

Com. Sub. for Senate Bill No. 406, Relating to Deputy Sheriff Retirement System Act.

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

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill No. 418, Relating to Emergency Medical Services Retirement System Act.

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

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill No. 419, Relating to Teachers Retirement System.

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

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill No. 429, Redefining “facility” under Medication Administration by Unlicensed Personnel Act.

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

Com. Sub. for Senate Bill No. 430, Defining “employment term” in Teachers’ Defined Contribution Retirement System.

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

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill No. 431, Relating to public employer liability for delinquent retirement contributions.

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

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill No. 469, Clarifying service credit for certain PERS members.

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

Com. Sub. for Senate Bill No. 508, Creating per-credit-hour tuition demonstration pilot project.

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

On motion of Senator Plymale, the bill was referred to the Committee on Finance.

Com. Sub. for Senate Bill No. 570, Cleaning up outdated language in code relating to elections.

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

Eng. House Bill No. 2784, Relating to the Deputy Sheriff Retirement System Act.

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

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the tenth order of business.

Senate Bill No. 491, Relating to rental car license cost recovery fee.

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

Senate Bill No. 507, Relating to PERS and State Police Retirement System contribution rates.

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

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

The Senate then proceeded to the thirteenth order of business.

At the request of Senator Beach, the name of Senator Beach was removed as a sponsor of **Senate Bill No. 622** (*Providing WVU and MU boards of governors additional authority and flexibility*).

On motion of Senator Unger, a leave of absence for the day was granted Senator Blair.

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Wednesday, March 27, 2013, at 11 a.m.

WEDNESDAY, MARCH 27, 2013

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Paul Davis, Kanawha City Church of Christ, Charleston, West Virginia.

Pending the reading of the Journal of Tuesday, March 26, 2013,

On motion of Senator Kirkendoll, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2237—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5X-1, §16-5X-2 and §16-5X-3, all relating to emergency aid medication for patients prescribed opiates or receiving treatment for addiction; establishing a short title; establishing objectives and a purpose; defining terms; establishing the responsibilities of licensed prescribers; and, providing for education of patient, family or caregivers.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub for House Bill No. 2583—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-9B-1, §15-9B-2 and §15-9B-3, all relating to establishing a regulatory system for sexual assault forensic examinations; requiring the creation of the Sexual Assault Forensic Examination Commission; setting forth its powers and responsibilities; setting forth its membership; requiring county prosecutors to convene and chair local Sexual Assault Forensic Examination Boards; and authorizing rule-making.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2590—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-21-1, §31-21-2, §31-21-3, §31-21-4, §31-21-5, §31-21-6, §31-21-7, §31-21-8, §31-21-9, §31-21-10, §31-21-11, §31-21-12, §31-21-13, §31-21-14, §31-21-15, §31-21-16, §31-21-17, §31-21-18, §31-21-19 and §31-21-20, all relating to authorizing the creation of a public nonprofit corporation and governmental instrumentality to facilitate the redevelopment of former commercial, industrial and mining properties subject to federal and state regulations because of contamination or pollution discharge; providing short title; declaring policy and purpose of article; defining terms; creating West Virginia Land Stewardship Corporation; providing eligibility for properties to

participate; stating certain tax requirements; setting forth powers and limitations of West Virginia Land Stewardship Corporation; providing for board of directors and composition of same; providing for creation of voluntary land stewardship program; providing for underwriting review of land stewardship program applicants; authorizing establishment of state certified sites program; setting forth minimum standards for certification under state certified sites program and assessment of fees therefor; authorizing establishment of voluntary state land bank program; prohibiting the transfer of certain liabilities to land bank by prior owner; permitting land stewardship corporation to preserve property value of properties held by land stewardship corporation; authorizing land bank to acquire, dispose or otherwise manage real property; providing requirements for handling of contaminated properties by land stewardship corporation; providing for liberal construction of article; authorizing the Department of Environmental Protection to investigate corporation activities and take necessary actions; exempting corporation from certain state and local taxes; requiring audits and biannual reports; providing procedure for dissolution of land stewardship corporation upon completion of purpose and for disposal of properties possessed by the corporation; providing provision for conflict of interest of land stewardship corporation officers, employees and board members; stating preservation of sovereign immunity; and providing that obligations of land stewardship corporation are not obligations of the Department of Environmental Protection or the state.

Referred to the Committee on Government Organization.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2733—A Bill to amend and reenact §17C-5A-2 of the Code of West Virginia, 1931, as amended, relating to hearings before the Office of Administrative Hearings; specifying methods of service; providing permissible hearing

locations; deleting the requirement that the Office of Administrative Hearings shall send hearing notices to certain witnesses; deleting an instance of a duplication of an element for driving under the influence; clarifying that the Office of Administrative Hearings shall rescind or modify the order of the Commissioner of the Division of Motor Vehicles in certain cases; noting that the Office of Administrative Hearings is not a party to an appeal; stating that a party filing an appeal is financially responsible for the transcription of the hearing and transmission of file copy; and stating that the court shall provide a copy of its final order to the Office of Administrative Hearings.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 7—Requesting that bridge number 31-N0099-0.04 on Sabraton Avenue in Morgantown, Monongalia County, West Virginia, be named the “County Sheriff Sgt. Michael Todd May Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 37—Requesting the Division of Highways to rename the Reader Bridge in Wetzel County, Bridge number 52-48-0.01, the “U.S. Army Sgt. Norman R. Cunningham Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 52—Requesting the Division of Highways to name a specific stretch of road on WV Route 16 in Calhoun County, West Virginia, specifically, that stretch of road beginning at the county line of Clay and Calhoun counties and continuing to the junction of WV Route 16 and US Route 33, the “Richardson Brothers’ Memorial Highway, United States Army, World War II”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 67—Requesting the Division of Highways to rename the bridge over Skin Creek on Skin Creek Road in Lewis County, bridge number 21-30-7.25, the “J. Cecil Jarvis Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 75—Requesting the Division of Highways name bridge number 17-79-114.9 over Elk Creek in Harrison County the “USN S2C Jack Wade and USMC PFC Don Wade Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 81—Requesting the Division of Highways to name the bridge at the south end of Sistersville on Route 2, bridge number 48-2-8.84, as the “Brigadier General Timothy C. Barrick Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 98, Creating Shale Research, Education, Policy and Economic Development Center at WVU.

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

Com. Sub. for Senate Bill No. 98 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-11C-1 and §18B-11C-2; and to amend said code by adding thereto a new article, designated §18B-11D-1, §18B-11D-2, §18B-11D-3, §18B-11D-4, §18B-11D-5 and §18B-11D-6, all relating to higher education centers and institutes generally; setting forth legislative findings and intent; providing definitions; requiring certain reports; creating the Shale Research, Education, Policy and Economic Development Center at West Virginia University; setting forth legislative findings and purposes; requiring certain rules; and providing certain powers and duties of West Virginia University Board of Governors, the center and the center director.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert H. Plymale,
Chair.

The bill (Com. Sub. for S. B. No. 98), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Military has had under consideration

Senate Bill No. 173, Establishing policy for higher education students called to active military duty.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Education.

Respectfully submitted,

Erik P. Wells,
Chair.

At the request of Senator Wells, unanimous consent being granted, the bill (S. B. No. 173) contained in the preceding report from the Committee on Military was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred

to the Committee on Education, with an amendment from the Committee on Military pending.

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

Your Committee on Military has had under consideration

Senate Bill No. 174, Providing for appointment of advocates for veterans at higher education institutions.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Education.

Respectfully submitted,

Erik P. Wells,
Chair.

At the request of Senator Wells, unanimous consent being granted, the bill (S. B. No. 174) contained in the preceding report from the Committee on Military was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Education.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 185 (originating in the Committee on Transportation and Infrastructure), Relating to alternative-fuel motor vehicles and qualified refueling infrastructure tax credits.

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

Com. Sub. for Com. Sub. for Senate Bill No. 185 (originating in the Committee on Finance)—A Bill to amend and reenact §11-6D-1, §11-6D-2, §11-6D-3, §11-6D-4, §11-6D-5, §11-6D-6, §11-6D-7 and §11-6D-9 of the Code of West Virginia, 1931, as amended, all relating to the tax credit for alternative-fuel motor vehicles and qualified alternative-fuel vehicle refueling infrastructure and qualified alternative-fuel vehicle home refueling infrastructure; setting forth legislative findings; defining terms; restricting credit to purchases of and conversions to natural gas-fueled motor vehicles and liquefied petroleum gas-fueled motor vehicles; narrowing allowance of credit for alternative-fuel motor vehicle purchases, alternative-fuel motor vehicle conversions and alternative-fuel motor vehicle refueling infrastructure; outlining eligibility for credit and cessation of eligibility for credit for specified construction, purchases, expenditures, investments, installations or conversions made on or after cessation dates or tax years as specified; requiring that not more than one tax credit be granted under said article six-d, or any combination of articles set forth in said chapter eleven for purchase of an alternative-fuel motor vehicle or for costs relating to conversion of a motor vehicle to an alternative-fuel motor vehicle, or for costs associated with alternative-fuel vehicle refueling infrastructure or for costs associated with alternative-fuel home refueling infrastructure; providing amount of credit for qualified alternative-fuel vehicle refueling infrastructure; providing limitations on credit; allowing pass-through entities to distribute credits to pass-through equity owners in any manner such equity owners see fit; providing for the termination of tax credit for alternative-fuel motor vehicles purchased after December 31, 2017; providing for the termination of tax credit for motor vehicles converted to operate on alternative fuel after December 31, 2017; providing for the termination of tax credit for construction or purchase and installation of alternative-fuel vehicle refueling infrastructure occurring after December 31, 2017; providing for the termination of tax credit for construction

or purchase and installation of qualified alternative-fuel vehicle home refueling infrastructure occurring on or after April 15, 2013; providing for the termination of tax credit for purchases of motor vehicles that operate on fuels other than compressed natural gas or liquefied natural gas, or liquefied petroleum gas, occurring on or after April 15, 2013; providing for the termination of tax credit for conversions of motor vehicles to operate on fuels other than compressed natural gas or liquefied natural gas or liquefied petroleum gas occurring on or after April 15, 2013; providing limitations and restrictions of credit carryover; and providing that credit is nontransferable.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill No. 191, Relating to increasing maximum aggregate funding to Revenue Shortfall Reserve Fund.

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

Com. Sub. for Senate Bill No. 191 (originating in the Committee on Finance)—A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11B-2-20a; to amend and reenact §17-3-1 of said code; and to amend and reenact §31-

15A-9 of said code, all relating to the Revenue Shortfall Reserve Fund, the Revenue Shortfall Reserve Fund - Part B and the creation of a West Virginia Infrastructure Modernization and Development Special Revenue Fund; specifying maximum aggregate funding amount for the Revenue Shortfall Reserve Fund; providing that interest and other earnings on Revenue Shortfall Reserve Fund - Part B be dedicated to and expended for and in support of the federal-state Medicaid program authorized by the Legislature or mandated by the federal government; providing that no interest or other return may be distributed from the Revenue Shortfall Reserve Fund - Part B if such distribution would cause the net asset value of the Revenue Shortfall Reserve Fund - Part B to fall below its value as of July 1, 2013, and providing process for restoration of value; providing that, in commencing and executing the provisions of this subdivision, the West Virginia Investment Management Board is not and shall not be obligated to sell any investments at a loss or otherwise take any action not in furtherance of its fiduciary duties and obligations in respect of funds and investments under its management and supervision; creating the West Virginia Infrastructure Modernization and Development Special Revenue Fund in the State Treasury; specifying the funding source for the West Virginia Infrastructure Modernization and Development Special Revenue Fund; specifying use of funds in the West Virginia Infrastructure Modernization and Development Special Revenue Fund; providing limitation on use of funds transferred from the West Virginia Infrastructure Modernization and Development Special Revenue Fund into the State Road Fund; providing ability of State Road Fund to accept and expend funds transferred from the West Virginia Infrastructure Modernization and Development Special Revenue Fund; and providing ability of West Virginia Infrastructure Fund to accept and expend funds transferred from the West Virginia Infrastructure Modernization and Development Special Revenue Fund.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Laird, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill No. 203, Allowing posting of visible paint markings prohibiting hunting or trespassing.

And,

Senate Bill No. 627, Requiring certain post-mining land use reclamation utilize Clements State Tree Nursery.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

William R. Laird IV,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 250, Authorizing Development Office promulgate legislative rule relating to use of coalbed methane severance tax proceeds.

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

Com. Sub. for Senate Bill No. 250 (originating in the Committee on the Judiciary)—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Commerce; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Development Office to promulgate a legislative rule relating to the use of coalbed methane severance tax proceeds; authorizing the Broadband Deployment Council to promulgate a legislative rule relating to broadband deployment grants programs; authorizing the Board of Miner Training, Education and Certification to promulgate a legislative rule relating to the standards for certification of coal mine electricians; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special boating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special motorboating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping rules; authorizing the Division of Natural Resources to promulgate a legislative rule relating to prohibitions when hunting and trapping; authorizing the Division of Natural Resources to promulgate a

legislative rule relating to deer hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to general trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special fishing; authorizing the Division of Natural Resources to promulgate a legislative rule relating to falconry; authorizing the Division of Labor to promulgate a legislative rule relating to bedding and upholstered furniture; authorizing the Division of Labor to promulgate a legislative rule relating to the Amusement Rides and Amusement Attractions Safety Act; authorizing the Division of Labor to promulgate a legislative rule relating to the supervision of elevator mechanics and apprentices; authorizing the Division of Labor to promulgate a legislative rule relating to the Crane Operator Certification Act; and authorizing the Division of Labor to promulgate a legislative rule relating to the Crane Operator Certification Act—practical examination.

Senate Bill No. 270, Authorizing Insurance Commissioner promulgate legislative rule relating to provider-sponsored networks.

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

Com. Sub. for Senate Bill No. 270 (originating in the Committee on the Judiciary)—A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Revenue; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making

Review Committee and as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing the Insurance Commissioner to promulgate a legislative rule relating to provider-sponsored networks; authorizing the Athletic Commission to promulgate a legislative rule relating to mixed martial arts; authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing; authorizing the Racing Commission to promulgate a legislative rule relating to greyhound racing; authorizing the Racing Commission to promulgate a legislative rule relating to pari-mutuel wagering; authorizing the Lottery Commission to promulgate a legislative rule relating to state lottery rules; and authorizing the State Tax Department to promulgate a legislative rule relating to the valuation of commercial and industrial real and personal property for ad valorem property tax purposes.

And,

Senate Bill No. 281, Authorizing DMV promulgate legislative rule relating to denial, suspension, revocation, disqualification, restriction, nonrenewal, cancellation, administrative appeals and reinstatement of motor vehicle operating privileges.

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

Com. Sub. for Senate Bill No. 281 (originating in the Committee on the Judiciary)—A Bill to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Transportation; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies

to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register and as amended by the Legislature; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the denial, suspension, revocation, disqualification, restriction, nonrenewal, cancellation, administrative appeals and reinstatement of motor vehicle operating privileges; authorizing the Commissioner of Highways to promulgate a legislative rule relating to the transportation of hazardous wastes upon the roads and highways; and authorizing the Office of Administrative Hearings to promulgate a legislative rule relating to appeal procedures.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 369, Relating to concealed handgun license reciprocity.

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

Com. Sub. for Senate Bill No. 369 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-7-6 and §61-7-6a of the Code of West Virginia, 1931, as amended, all

relating to allowing a resident of another state to carry a handgun in West Virginia if the person holds a valid permit or license to possess or carry a handgun from the other state and the other state allows residents of West Virginia who are licensed in West Virginia to carry a concealed deadly weapon to carry a concealed deadly weapon in that state.

And,

Senate Bill No. 579, Updating code relating to absentee and early in-person voting.

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

Com. Sub. for Senate Bill No. 579 (originating in the Committee on the Judiciary)—A Bill to repeal §3-3-2a and §3-3-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-3-1, §3-3-2, §3-3-3, §3-3-3a, §3-3-4, §3-3-5, §3-3-5a, §3-3-5b, §3-3-5c, §3-3-8, §3-3-10 and §3-3-11 of said code; and to amend said code by adding thereto a new section, designated §3-3-3b, all relating to absentee and early in-person voting; updating, clarifying and reorganizing existing language in the code; removing outdated language; allowing veterans' homes to be treated like nursing homes in certain situations; adding requirements to serve as an assistant with early in-person voting; clarifying differences between paper-based voting systems and direct recording voting systems; clarifying certain language with regard to criminal violations; authorizing the Secretary of State to create electronic ballots in certain situations; clarifying when a federal write-in ballot may not be counted; and detailing and adding to the process for counting of absentee ballots separated by voting mechanism.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 413, Relating to WV Supreme Court of Appeals Public Campaign Financing Pilot Program.

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

Com. Sub. for Senate Bill No. 413 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-1A-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-12-1, §3-12-2, §3-12-3, §3-12-4, §3-12-6, §3-12-7, §3-12-9, §3-12-10, §3-12-11, §3-12-13, §3-12-14, §3-12-16 and §3-12-17 of said code, all relating to extending the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program through the 2016 election; providing additional funding; modifying definitions; deleting a definition; providing that a candidate may not collect exploratory contributions after filing a declaration of intent; limiting the amounts an individual may contribute during certain periods; requiring all contributions to candidates participating in the program be collected by the candidate's financial agent; increasing the amounts of financing certified candidates may receive in contested elections; permitting certain moneys to be transferred and invested in certain circumstances; removing provisions that permit the release of additional funds in certain circumstances; removing certain reporting requirements; and removing a provision permitting the doubling of civil penalties.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

The bill (Com. Sub. for S. B. No. 413), under the original double committee reference, was then referred to the Committee on Finance.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 415, Relating to multidisciplinary team meetings for juveniles in Division of Juvenile Services' custody.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Ron Stollings,
Chair.

At the request of Senator Stollings, unanimous consent being granted, the bill (S. B. No. 415) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Government Organization.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 438, Authorizing reorganization of certain community and technical colleges.

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

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill No. 460, Exempting certain residents' active duty military pay from state income tax.

With an amendment from the Committee on Military pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Military to which the bill was first referred.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 462, Extending time for informal conferences on surface mining permit applications.

Senate Bill No. 467, Revising stocking permit requirements for release of aquatic species into state waters.

And,

Senate Bill No. 601, Removing requirement certain juvenile proceedings be sealed.

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

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 493, Providing standards for converting and retrofitting motor vehicles to alternative fuels.

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

Com. Sub. for Senate Bill No. 493 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-13-1, §17A-13-2, §17A-13-3, §17A-13-4 and

§17A-13-5, all relating generally to standards for conversion and retrofits of alternative-fuel motor vehicles; defining key terms for such standards; setting forth conversion and retrofit standards for the conversion of diesel and gasoline vehicles to alternative fuels; and setting forth training requirements for facilities converting and retrofitting vehicles to be capable of running on compressed natural gas.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill (Com. Sub. for S. B. No. 493), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Military has had under consideration

Senate Bill No. 511, Creating WV Veterans Auxiliary Fund.

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

Com. Sub. for Senate Bill No. 511 (originating in the Committee on Military)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-5-1 and §9A-5-2, all relating to creating the West Virginia Veterans Auxiliary Fund; providing donations to the fund by income tax return checkoff and by a checkoff on motor vehicle registration

renewal forms; providing contents of designation in forms; and setting forth the responsibilities of the Tax Commissioner, the Commissioner of the Division of Motor Vehicles and the Secretary of the Department of Veterans' Assistance.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Erik P. Wells,
Chair.

At the request of Senator Wells, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 511) contained in the preceding report from the Committee on Military was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 537, Creating Library Facilities Improvement Fund.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bill (S. B. No. 537) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 569, Requiring appointment of State Fire Marshal be with advice and consent of Senate.

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

Com. Sub. for Senate Bill No. 569 (originating in the Committee on Government Organization)—A Bill to amend and reenact §29-3-11 of the Code of West Virginia, 1931, as amended, relating to the State Fire Marshal; and requiring the State Fire Marshal to be appointed by the Governor by and with the advice and consent of the Senate.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Palumbo, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the

second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 578, Requiring proof of insurance for motor vehicle registration.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Beach, unanimous consent being granted, the bill (S. B. No. 578) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 596, Determining grant awards for Chesapeake Bay and Greenbrier River watershed compliance projects.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Prezioso, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

At the request of Senator Snyder, and by unanimous consent, the bill (S. B. No. 596) was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Yost, from the Committee on Labor, submitted the following report, which was received:

Your Committee on Labor has had under consideration

Senate Bill No. 599, Expanding number of hours temporary state personnel may work.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Jack Yost,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 623, Relating to funding for probation officers to address truancy.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert H. Plymale,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Facemire, from the Committee on Energy, Industry and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry and Mining has had under consideration

Senate Bill No. 629, Limiting liability of landowners, operators and contractors in water pollution abatement projects.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Douglas E. Facemire,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Facemire, from the Committee on Energy, Industry and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry and Mining has had under consideration

Senate Bill No. 638, Terminating severance tax exemption for production of natural gas or oil.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Douglas E. Facemire,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Energy, Industry and Mining pending.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 652, Requiring criminal background checks for home inspector applicants.

And has amended same.

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

Respectfully submitted,

Herb Snyder,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 658, Extending time for Madison City Council to meet as levying body.

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

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bill (S. B. No. 658) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Unger, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman,

Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

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

Engrossed Senate Bill No. 658 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 658) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 658) takes effect from passage.

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

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. House Bill No. 2487, Prohibiting the use of laetrile.

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

Respectfully submitted,

Ron Stollings,
Chair.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. House Bill No. 2729, Allowing schools to voluntarily maintain and use epinephrine auto-injectors.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Education.

Respectfully submitted,

Ron Stollings,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Education.

The Senate proceeded to the sixth order of business.

Senators Kessler (Mr. President), Unger, Yost, Stollings, Jenkins, McCabe, Fitzsimmons, Cookman, Plymale and Prezioso offered the following resolution:

Senate Resolution No. 48—Recognizing the West Virginia Association of Alcoholism and Drug Abuse Counselors and West Virginia Certification Board of Addiction and Prevention Professionals for their commitment to ending substance abuse.

Whereas, Working towards a healthy and productive West Virginian citizenry is of crucial importance; and

Whereas, West Virginia has one of the highest drug prescription rate and the highest per-capita overdose death rate in the nation, with ninety percent of those deaths involving prescription drugs; and

Whereas, West Virginia faces other pronounced drug problems, such as methamphetamine abuse and manufacturing and marijuana consumption and cultivation; and

Whereas, Substance abuse costs West Virginia millions of dollars each year, particularly the criminal justice, education and social services systems; and

Whereas, Substance abuse has a significant, negative impact on the job force because the perception of substance abuse problems dissuades potential employers from locating to West Virginia and current employees with substance abuse problems endanger themselves, their coworkers and their places of employment; and

Whereas, Persons who abuse substances can be rehabilitated through proper treatment and become healthy, productive citizens; and

Whereas, Treatment is more effective and less costly than cycling substance abusers through the criminal justice system; and

Whereas, The costs associated with substance abuse can be avoided with action and education that prevents persons at risk from becoming addicted to substances; and

Whereas, The West Virginia Association of Alcoholism and Drug Abuse Counselors, Inc., and the dozens of other programs and organizations aimed at preventing, treating and informing about substance abuse are critical to combating the great threat substance abuse poses to the people of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the West Virginia Association of Alcoholism and Drug Abuse Counselors and West Virginia Certification Board of Addiction and Prevention Professionals for their commitment to ending substance abuse; and, be it

Further Resolved, That the Senate invites all members of the West Virginia Legislature and all citizens of West Virginia to join in recognizing the value and importance of the agencies and organizations working to end substance abuse in West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives at the West Virginia Association of Alcoholism and Drug Abuse Counselors and West Virginia Certification Board of Addiction and Prevention Professionals.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

Senate Concurrent Resolution No. 33, Requesting Joint Committee on Government and Finance study safety, roles and responsibilities of the WV Deputy Sheriff Reserve.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on the Judiciary; and then to the Committee on Rules.

Senate Concurrent Resolution No. 34, Requesting DOH name bridge in Wayne County “Mavis Granny Castle Bridge”.

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

The Senate proceeded to the eighth order of business.

Eng. Senate Bill No. 10, Permitting independent initiation of disciplinary proceedings by certain licensing boards.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 10) passed.

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

Eng. Senate Bill No. 10—A Bill to amend and reenact §30-3-14 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-4-21 of said code; and to amend and reenact §30-14-12a of said code, all relating to the Board of Medicine, Board of Dental Examiners and the Board of Osteopathy; permitting the boards to independently initiate disciplinary proceedings in certain circumstances; permitting the Board of Medicine to approve certain decisions, rather than deciding them directly as a whole; and increasing the number of days within which the Board of Medicine can make certain decisions.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 10) takes effect July 1, 2013.

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

Eng. Com. Sub. for Senate Bill No. 80, Including substitute teaching in job duties of certain professional educators employed by county boards.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Cann, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—30.

The nays were: Barnes, Carmichael, Palumbo and Walters—4.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 80) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Beach, Blair, Boley, Cann, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe,

Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—30.

The nays were: Barnes, Carmichael, Palumbo and Walters—4.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 80) takes effect July 1, 2013.

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

Eng. Com. Sub. for Senate Bill No. 243, Authorizing DEP promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Fitzsimmons—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 243) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Fitzsimmons—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 243) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill No. 265, Authorizing DHHR promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 265) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 265) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill No. 384, Increasing certified legal education credits required for court-appointed attorneys in juvenile cases.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 384) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 384) takes effect July 1, 2013.

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

Eng. Senate Bill No. 429, Redefining “facility” under Medication Administration by Unlicensed Personnel Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 429) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 429) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill No. 469, Clarifying service credit for certain PERS members.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins,

Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 469) passed with its title.

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

Eng. Com. Sub. for Senate Bill No. 570, Cleaning up outdated language in code relating to elections.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 570) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 570) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 406, Relating to Deputy Sheriff Retirement System Act.

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

On motion of Senator Unger, the bill was recommitted to the Committee on Finance.

Com. Sub. for Senate Bill No. 418, Relating to Emergency Medical Services Retirement System Act.

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

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill No. 419, Relating to Teachers Retirement System.

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

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill No. 430, Defining “employment term” in Teachers’ Defined Contribution Retirement System.

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

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

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

**ARTICLE 7B. TEACHERS’ DEFINED CONTRIBUTION
RETIREMENT SYSTEM.**

§18-7B-2. Definitions.

As used in this article, unless the context clearly requires a different meaning:

(1) “Annual addition” means, for purposes of the limitations under Section 415(c) of the Internal Revenue Code, the sum credited to a member’s account for any limitation year of: (A) Employer contributions; (B) employee contributions; and (C) forfeitures. Repayment of cashouts or contributions as described in Section 415(k)(3) of the Internal Revenue Code, rollover contributions and picked-up employee contributions to a defined benefit plan shall

not be treated as annual additions, consistent with the requirements of Treasury Regulation §1.415(c)-1;

(2) “Annuity account” or “annuity” means an account established for each member to record the deposit of member contributions and employer contributions and interest, dividends or other accumulations credited on behalf of the member;

(3) “Compensation” means the full compensation actually received by members for service whether or not a part of the compensation is received from other funds, federal or otherwise, than those provided by the state or its subdivisions: *Provided*, That annual compensation for determining contributions during any determination period may not exceed the maximum compensation allowed as adjusted for cost of living in accordance with section seven, article ten-d, chapter five of this code and Section 401(a)(17) of the Internal Revenue Code: *Provided, however*, That solely for purposes of applying the limitations of Section 415 of the Internal Revenue Code to any annual addition, “compensation” ~~shall have~~ *has* the meaning given it in subsection (d), section thirteen of this article;

(4) “Consolidated board” or “board” means the Consolidated Public Retirement Board created and established pursuant to article ten-d, chapter five of this code;

(5) “Defined contribution system” or “system” means the Teachers’ Defined Contribution Retirement System created and established by this article;

(6) “Employer” means the agency of and within the State of West Virginia which has employed or employs a member;

(7) “Employer contribution” means an amount deposited into the member’s individual annuity account on a periodic basis coinciding with the employee’s regular pay period by an employer from its own funds;

(8) “Employment term” means employment for at least ten months in any plan year with a month being defined as twenty employment days;

~~(8)~~ (9) “Existing employer” means any employer who employed or employs a member of the existing retirement system;

~~(9)~~ (10) “Existing retirement system” means the State Teachers Retirement System established in article seven-a of this chapter;

~~(10)~~ (11) “Internal Revenue Code” means the Internal Revenue Code of 1986, as it has been amended;

~~(11)~~ (12) “Member” or “employee” means the following persons, if regularly employed for full-time service: (A) Any person employed for instructional service in the public schools of West Virginia; (B) principals; (C) public school librarians; (D) superintendents of schools and assistant county superintendents of schools; (E) any county school attendance director holding a West Virginia teacher’s certificate; (F) members of the research, extension, administrative or library staffs of the public schools; (G) the State Superintendent of Schools, heads and assistant heads of the divisions under his or her supervision or any other employee under the state superintendent performing services of an educational nature; (H) employees of the State Board of Education who are performing services of an educational nature; (I) any person employed in a nonteaching capacity by the State Board of Education, any county board of education or the State Department of Education, if that person was formerly employed as a teacher in the public schools; (J) all classroom teachers, principals and educational administrators in schools under the supervision of the Division of Corrections and the Department of Health and Human Resources; (K) any person who is regularly employed for full-time service by any county board of education or the State Board of Education; (L) the administrative staff of the public schools including deans of instruction, deans of men and deans of women, and financial and administrative secretaries; and (M) any person

designated as a 21st Century Learner Fellow pursuant to section eleven, article three, chapter eighteen-a of this code who elects to remain a member of the Teachers' Defined Contribution Retirement System established by this article;

~~(12)~~ (13) "Member contribution" means an amount reduced from the employee's regular pay periods, and deposited into the member's individual annuity account within the Teachers' Defined Contribution Retirement System;

~~(13)~~ (14) "Permanent, total disability" means a mental or physical incapacity requiring absence from employment service for at least six months: *Provided*, That the incapacity is shown by an examination by a physician or physicians selected by the board: *Provided, however*, That for employees hired on or after July 1, 2005, "permanent, total disability" means an inability to engage in substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, or has lasted or can be expected to last for a continuous period of not less than twelve months and the incapacity is so severe that the member is likely to be permanently unable to perform the duties of the position the member occupied immediately prior to his or her disabling injury or illness;

~~(14)~~ (15) "Plan year" means the twelve-month period commencing on July 1 of any designated year and ending on the following June 30;

~~(15)~~ (16) "Public schools" means all publicly supported schools, including normal schools, colleges and universities in this state;

~~(16)~~ (17) "Regularly employed for full-time service" means employment in a regular position or job throughout the employment term regardless of the number of hours worked or the method of pay;

(17) (18) “Required beginning date” means April 1 of the calendar year following the later of: (A) The calendar year in which the member attains age seventy and one-half years; or (B) the calendar year in which the member retires or otherwise ceases employment with a participating employer after having attained the age of seventy and one-half years;

(18) (19) “Retirement” means a member’s withdrawal from the active employment of a participating employer and completion of all conditions precedent to retirement;

(19) (20) “Year of employment service” means employment for at least ten months, with a month being defined as twenty employment days: *Provided*, That no more than one year of service may be accumulated in any twelve-month period.

§18-7B-21. Correction of errors; underpayments; overpayments.

(a) *General rule.* – If any change or employer error in the records of any existing employer or the retirement system results in a member, retirant or beneficiary receiving from the system more or less than he or she would have been entitled to receive had the records been correct, the board shall correct the error. If correction of the error occurs after retirement, the board shall adjust the payment of the benefit in an amount computed by the board to which the retirant was correctly entitled.

(b) *Underpayments.* – Any error resulting in an underpayment to the retirement system of required contributions may be corrected by the member or retirant remitting the required employee contribution and the existing employer remitting the required employer contribution. Interest accumulates in accordance with the board’s Rule, Refund, Reinstatement, Retroactive Service, Loan and Employer Error Interest Factors, 162 CSR 7, and any accumulating interest owed on the employee and employer contributions resulting from an employer error is the responsibility

of the participating public employer. The existing employer may remit total payment and the employee may reimburse the existing employer through payroll deduction over a period equivalent to the time period during which the employer error occurred. If the correction of an error involving an underpayment of required contributions to the retirement system will result in increased payments to a retirant, including increases to payments already made, any adjustments may be made only after the board receives full payment of all required employee and employer contributions, including interest.

(c) *Overpayments.* – (1) When mistaken or excess employer contributions, including any overpayments, have been made to the retirement system by an existing employer, due to error or other reason, the board shall credit the existing employer with an amount computed by the board, to be offset against the existing employer's future liability for employer contributions to the system.

(2) When mistaken or excess employee contributions, including any overpayments, have been made to the retirement system, due to error or other reason, the board has sole authority for determining the means of return, offset or credit to or for the benefit of the employee of the amounts, and may use any means authorized or permitted under the provisions of Section 401(a), *et seq.*, of the Internal Revenue Code and guidance issued thereunder applicable to governmental plans. Alternatively, in its full and complete discretion, the board may require the existing employer to pay the employee the amounts as wages, with the board crediting the existing employer with an amount to offset against its future contributions to the plan: *Provided*, That the wages paid to the employee are not considered compensation for any purposes under this article.

The bill (Com. Sub. for S. B. No. 430), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 431, Relating to public employer liability for delinquent retirement contributions.

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

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

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

ARTICLE 10D. CONSOLIDATED PUBLIC RETIREMENT BOARD.

§5-10D-11. Liability of participating public employer for delinquent retirement contributions; liability of participating public employer's successor for delinquent retirement contributions; lien for delinquent contributions; collection by suit.

(a) A participating public employer of a public retirement system administered pursuant to this article that fails, for a period of sixty days, to pay: (i) An employee retirement contribution; (ii) an employer retirement contribution; (iii) a delinquency fee; (iv) any other fees, charges or costs related to the public retirement system; or (v) any combination of subdivisions (i) through (iv), inclusive, of this subsection, is liable for the amount pursuant to this article.

(b) If a participating public employer of a public retirement system administered pursuant to this article: (i) Sells all or substantially all of its stock or assets; (ii) merges with another entity; (iii) dissolves its business; or (iv) participates, voluntarily or involuntarily, in an event which causes its business to terminate, all unpaid employee retirement contributions, employer retirement contributions, delinquency fees and other fees, charges, or costs related to the public retirement system shall be paid within thirty

days of the date of applicable event identified in subdivisions (i) through (iv), inclusive, of this subsection.

(c) A transferee, successor or assignee of a participating public employer of a public retirement system administered pursuant to this article is liable for the payment of all employee retirement contributions, employer retirement contributions, delinquency fees and other fees, charges or costs related to the public retirement system, if the participating public employer does not pay those amounts as provided in subsection (b) of this section.

(d) All amounts due to the Consolidated Public Retirement Board from a participating public employer under this article is a debt owed to the Consolidated Public Retirement Board enforceable by a lien on all assets of a participating public employer, or its transferee, successor or assignee within this state. The lien attaches to all assets of a participating public employer within this state, or all assets of its transferee, successor or assignee on the date that any amount owed to the Consolidated Public Retirement Board is due. If a participating public employer, or its transferee, successor or assignee fails to pay an amount owed to the Consolidated Public Retirement Board under this article for a period of more than sixty days, the Consolidated Public Retirement Board may enforce the lien against the participating public employer, or its transferee, successor or assignee by instituting an action in the Circuit Court of Kanawha County. In the event that the Consolidated Public Retirement Board institutes an action against a participating public employer, or its transferee, successor or assignee to enforce a lien, the Consolidated Public Retirement Board is entitled to recover the amounts identified in subsection (a) of this section and in addition to those amounts, is entitled to recover all fees and costs incurred by the Consolidated Public Retirement Board during the pendency of the action, including, without limitation, accrued interest, expert witness costs, filing fees, deposition costs and reasonable attorney fees.

(e) If a section, subsection, subdivision, provision, clause or phrase of this article or its application to any person or circumstance is held unconstitutional or invalid, the unconstitutionality or invalidity does not affect other sections, subsections, subdivisions, provisions, clauses or phrases or applications of the article, and to this end each and every section, subsection, subdivision, provision, clause and phrase of this article are declared to be severable. The Legislature declares that it would have enacted the remaining sections, subsections, subdivisions, provisions, clauses and phrases of this article even if it had known that any sections, subsections, subdivisions, provisions, clauses and phrases of this article would be declared to be unconstitutional or invalid, and that it would have enacted this article even if it had known that its application to any person or circumstance would be held to be unconstitutional or invalid.

The bill (Com. Sub. for S. B. No. 431), as amended, was then ordered to engrossment and third reading.

Senate Bill No. 491, Relating to rental car license cost recovery fee.

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

Senate Bill No. 507, Relating to PERS and State Police Retirement System contribution rates.

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

Eng. House Bill No. 2784, Relating to the Deputy Sheriff Retirement System Act.

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

The Senate proceeded to the tenth order of business.

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

Senate Bill No. 52, Relating to Rural Health Initiative Act.

Com. Sub. for Senate Bill No. 146, Collecting unpaid magistrate court charges through income tax refund withholding.

Senate Bill No. 157, Exempting certain nonresidents from Class D license requirement.

Senate Bill No. 331, Permitting Courthouse Facilities Improvement Authority to issue bonds.

Senate Bill No. 394, Relating to scholarships for dependent children of state troopers who die in performance of duty.

Com. Sub. for Com. Sub. for Senate Bill No. 428, Relating to costs for HIV or STD testing and treatment by Bureau for Public Health.

Com. Sub. for Com. Sub. for Senate Bill No. 448, Increasing number of demonstration dealer plates issued to large commercial vehicle dealers.

Senate Bill No. 463, Increasing special license fee paid by pipeline companies to PSC.

Com. Sub. for Senate Bill No. 482, Relating to sale of voter registration lists.

Com. Sub. for Com. Sub. for Senate Bill No. 488, Relating to damage to health or safety systems of certain facilities.

Senate Bill No. 506, Relating to residency requirement of state-chartered banking institution directors.

Com. Sub. for Senate Bill No. 542, Relating to restricted races at pari-mutuel thoroughbred horse racetracks.

And,

Com. Sub. for Senate Bill No. 563, Excluding jewelry platinum, gold, silver and palladium from definition of “scrap metal”.

Pending announcement of meetings of standing committees of the Senate, including a minority party caucus,

On motion of Senator Unger, the Senate recessed until 4:30 p.m. today.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Unger, unanimous consent being granted, returned to the fourth order of business.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Com. Sub. for Senate Bill No. 21, Creating Health Care Provider Transparency Act.

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

Respectfully submitted,

Herb Snyder,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 88, Prohibiting fundraising by legislators during regular session.

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

Com. Sub. for Senate Bill No. 88 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §6B-3-8a, all relating to contributions by lobbyists to political candidates; prohibiting lobbyists from making campaign contributions to certain persons during the sixty-day period of the regular session; prohibiting certain persons from accepting campaign contributions from registered lobbyists during the sixty-day period of the regular session; removing outdated language in code; and clarifying prohibitions on solicitation of certain things of value.

Senate Bill No. 378, Increasing certain magistrate and staff salaries to precensus amounts.

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

Com. Sub. for Senate Bill No. 378 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §50-1-3, §50-1-8, §50-1-9 and §50-1-9a of the Code of West Virginia, 1931, as amended, all relating to adjusting the population line upon which salaries for magistrates and certain magistrate employees are calculated; providing an effective date; and providing that the adjustments are retroactive to January 1, 2013.

Senate Bill No. 388, Requiring DHHR pay for certified programs for certain drug offenders.

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

Com. Sub. for Senate Bill No. 388 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-15-7 of the Code of West Virginia, 1931, as amended, relating to authorizing drug courts to refer drug court participants who may have co-occurring addiction and mental illness conditions to properly licensed, certified mental health professionals for purposes of diagnosis and treatment; and directing the Department of Health and Human Resources using the Medicaid fee schedule therefor if the participant is without insurance and unable to pay.

And,

Senate Bill No. 478, Redefining “video lottery games”; permitting wagering by historic resort hotel employees.

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

Com. Sub. for Senate Bill No. 478 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §29-22A-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22B-332 of said code; and to amend and reenact §29-25-2 and §29-25-24 of said code, all relating to deleting those video lottery games that allow players an option to select replacement symbols or numbers or additional symbols or numbers after the game is initiated and in the course of play from the definition of “video lottery game”; deleting prohibition against game themes commonly associated with casino gambling; and permitting certain employees of a historic resort hotel to wager at the gaming facility of that historic hotel.

With the recommendation that the four committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bills (Com. Sub. for S. B. Nos. 88, 378, 388 and 478) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee references, were then referred to the Committee on Finance.

Senator Williams, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill No. 167, Creating West Virginia Future Fund.

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

Com. Sub. for Senate Bill No. 167 (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-5b, relating to the use of oil and natural gas severance tax revenues; setting a baseline of oil and natural gas severance tax revenue collections; creating the West Virginia Future Fund; providing for the distribution of funds collected in excess of that baseline; providing for initial funding of West Virginia Future Fund to consist of twenty-five percent of excess proceeds from oil

and natural gas severance taxes; expressing legislative intent not to encumber or otherwise use any principal or interest from the West Virginia Future Fund for a term of twenty years; addressing use of the West Virginia Future Fund; further dedicating three percent of all oil and natural gas severance tax revenues annually to the oil- and natural gas-producing counties of origin and their respective municipalities; establishing state and local oil and gas county reallocated severance tax funds and providing for distribution of the moneys to the county commissions and governing bodies of the municipalities by the State Treasurer; establishing amounts each oil- and gas-producing county and their respective municipalities are to receive; requiring the creation of local funds into which moneys are to be deposited; requiring moneys to be expended solely for economic development projects and infrastructure projects; providing definitions; providing restrictions on the expenditure of moneys; providing duties of State Tax Commissioner; requiring report of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; and authorizing legislative and emergency rules.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Bob Williams,
Chair.

At the request of Senator Williams, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 167) contained in the preceding report from the Committee on Economic Development was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 349, Implementing Child and Adolescent Needs and Strengths System for evaluating out-of-home placement of children.

And,

Senate Bill No. 631, Providing bonding authority to Affordable Housing Trust Fund.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bills (S. B. Nos. 349 and 631) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee references, were then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill No. 354, Requiring study on alternative revenue sources for funding state roads.

And has amended same.

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

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 363, Implementing purchasing reforms.

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

Com. Sub. for Senate Bill No. 363 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-3-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §5A-3-10d, §5A-3-60 and §5A-3-61, all relating to the Purchasing Division; clarifying the powers and duties of the director under the direction and supervision of the Administration Secretary; prohibiting the Purchasing Division from using the secondary bid process commencing July 1, 2013; requiring annual purchasing training for executive branch officials; creating a Purchasing Task Force; study and reporting requirements for the task force; and expense reimbursement for legislative members of the task force.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 363) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 401, Relating to Board of Registration for Professional Engineers.

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

Com. Sub. for Senate Bill No. 401 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-13-6, §30-13-13, §30-13-15 and §30-13-17 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-13-13a, all relating to the Board of Registration for Professional Engineers and the requirements for registration and certification of engineers, engineer interns and engineering businesses; providing for compensation of, and reimbursement for, members of the board at same rate as legislative interim pay; providing for registration of engineers generally; adding additional classifications of registration; setting forth qualifications for engineer interns; establishing designations for engineers ineligible to practice; updating examination provisions

to comport with changes at the national level; providing emergency rule-making authority to comply with changes in standardized tests; and clarifying the certificate of authorization requirements.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 401) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 470, Permitting wine sale on Sunday mornings at fairs and festivals.

With an amendment from the Committee on Agriculture and Rural Development pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Agriculture and Rural Development to which the bill was first referred.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 498, Requiring Alcohol Beverage Control Administration's appeal hearings be heard only in Kanawha County.

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

Com. Sub. for Senate Bill No. 498 (originating in the Committee on Government Organization)—A Bill to amend and reenact §11-16-24 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3A-28 of said code; to amend and reenact §60-7-13a of said code; and to amend and reenact §60-8-18 of said code, all relating to hearing procedures for certain licenses issued by the Alcohol Beverage Control Administration; requiring that appeals from the commissioner's decision regarding disciplinary action against a licensee are to be brought in the circuit court of Kanawha County or the circuit court in the county where the facility subject to the commissioner's decision is located or proposed to be located; and providing that the licensee appealing the commissioner's decision is required to pay the costs and fees incident to transcribing, certifying and transmitting records pertaining to the appeal.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 498) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 533, Modifying definitions of “battery” and “domestic battery”.

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

Com. Sub. for Senate Bill No. 533 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-2-9 and §61-2-28 of the Code of West Virginia, 1931, as amended, all relating to directly prosecuting for battery an assault where the victim has certain relationships; conviction of which triggers federal firearms prosecution be prosecuted as a domestic battery or domestic assault to be consistent with federal case law; and amending definition of “domestic battery” and “domestic assault”.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 543, Allowing Legislative Auditor establish application review fee schedule.

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

Com. Sub. for Senate Bill No. 543 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-2-4a; and to amend said code by adding thereto a new section, designated §30-1A-2a, all relating to the Legislative Auditor; authorizing the Legislative Auditor to establish and charge fees for the sunrise application review process; reporting requirements; and terminating these fees on July 1, 2015.

Senate Bill No. 557, Continuing Preventive Care Pilot Program.

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

Com. Sub. for Senate Bill No. 557 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2J-3a, relating to authorizing continued operation of certain preventative care programs after expiration date of the pilot program.

And,

Senate Bill No. 564, Increasing minimum construction cost of municipal public works project before competitive bidding is required.

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

Com. Sub. for Senate Bill No. 564 (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-16-5 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum construction cost of a municipal public works project before competitive bidding is required; and defining terms.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Herb Snyder,
Chair.

Senator Kirkendoll, from the Committee on Interstate Cooperation, submitted the following report, which was received:

Your Committee on Interstate Cooperation has had under consideration

Senate Bill No. 552, Creating Uniform Real Property Electronic Recording Act.

And,

Senate Bill No. 582, Implementing terms of Uniform Arbitration Act.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Art Kirkendoll,
Chair.

At the request of Senator Kirkendoll, unanimous consent being granted, the bills (S. B. Nos. 552 and 582) contained in the preceding report from the Committee on Interstate Cooperation were each taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee references, were then referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 553 (originating in the Committee on Transportation and Infrastructure), Relating to Highway Design-Build Program.

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

Com. Sub. for Com. Sub. for Senate Bill No. 553 (originating in the Committee on Finance)—A Bill to amend and reenact §17-2D-2 and §17-2D-5 of the Code of West Virginia, 1931, as amended, all relating to the continuation of the Highway Design-Build Pilot Program; changing the name to the Highway Design-Build Program; removing the sunset date of the program; modifying limitations on design-build projects; requiring identification of design-build projects; modifying reporting requirements; and requiring annual reporting.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 592, Removing requirement Physicians' Mutual Insurance Company be nonprofit corporation.

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

Respectfully submitted,

Corey Palumbo,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 604, Expanding definition of "electioneering communication" to include certain nonbroadcast media.

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

Com. Sub. for Senate Bill No. 604 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-8-1a of the Code of West Virginia, 1931, as amended, relating to the regulation and control of elections, generally; defining terms; and expanding the definition of "electioneering communication".

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Williams, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill No. 653, Establishing job creation work groups.

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

Respectfully submitted,

Bob Williams,
Chair.

The Senate proceeded to the fifth order of business.

Senator Unger, from the Select Committee on Children and Poverty, submitted the following report, which was received:

Your Select Committee on Children and Poverty has had under consideration

Senate Bill No. 663 (originating in the Select Committee on Children and Poverty)—A Bill to repeal §18-5-37 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18-5D-1, §18-5D-2, §18-5D-3 and §18-5D-4, all relating to improving the nutrition and health of West Virginia's children; creating the West Virginia Feed to Achieve Act;

providing legislative findings and intent; phasing in implementation of the West Virginia Feed to Achieve Act; requiring nutritious breakfast and lunch be made available to all students; requiring all schools to adopt delivery systems, strategies and methods to maximize participation by students; providing for recordkeeping and reporting; authorizing continuation or termination of nutrition programs under certain conditions; providing that classroom teachers may not be required to operate a breakfast program as part of their regular duties; establishing nonprofit foundations or funds to provide moneys for school nutrition programs; providing for acceptance of private contributions; authorizing expenditures of private funds to draw down maximum federal funds for child nutrition; authorizing certain expenditures; prohibiting use of private funds for administrative or personnel expenses; authorizing partnerships with federal and state agencies and public and private organizations to expand options for providing healthy, nutritious food to children; encouraging healthy food initiatives such as community gardens and farm-to-school programs; and requiring an annual audit of the private funds.

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

Respectfully submitted,

John R. Unger II,
Chair.

At the request of Senator Unger, unanimous consent being granted, the bill (S. B. No. 663) contained in the preceding report from the Select Committee on Children and Poverty was taken up for immediate consideration, read a first time and ordered to second reading.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Thursday, March 28, 2013, at 11 a.m.

THURSDAY, MARCH 28, 2013

The Senate met at 11 a.m.

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

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

Pending the reading of the Journal of Wednesday, March 27, 2013,

On motion of Senator Stollings, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2158—A Bill to amend and reenact §31A-8C-2 of the Code of West Virginia, 1931, as amended, relating to the provision of financially-related services by banks and bank holding companies, providing that a West Virginia state-chartered banking institution may engage in a financially related activity directly if a federal or state thrift, federal credit union, or state bank chartered in another state may engage in that financially related activity.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2395—A Bill to amend and reenact §16-5P-15 of the Code of West Virginia, 1931, as amended, relating to senior services in-home care registry; providing for 60 day waiver of initial registration fee; and clarifying rulemaking authority for the Bureau of Senior Services to require an applicant to obtain a state or federal criminal background check.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2453—A Bill to amend and reenact §15-3A-4 of the Code of West Virginia, 1931, as amended, all relating to the activation of the Amber Alert Plan, requiring a reporting law enforcement agency to report a suspected missing or abducted child to the West Virginia State Police in the initial stages of investigation, and requiring the West Virginia State Police to contact Amber Alert for determination of alert criteria.

Referred to the Committee on the Judiciary.

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

Eng. House Bill No. 2543—A Bill to amend and reenact §12-4-14a of the Code of West Virginia, 1931, as amended, relating to specifying that the subsidy provided to volunteer fire departments

to offset certain workers' compensation premium increases apply to increases attributable to the fire fighting service, rapid response emergency medical service, ambulance service and diving service components of the services provided by volunteer fire departments.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill No. 2652—A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Administration; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register and as amended by the Legislature; authorizing the Department of Administration to promulgate a legislative rule relating to selecting design-builders under the Design-Build Procurement Act; authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to general provisions; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to benefit determination and appeal; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating

to the Teachers' Retirement System; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Public Employees Retirement System; and authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the West Virginia State Police.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2013, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2717—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-7-14a, relating to requiring that sheriffs provide ballistic resistant vests to deputy sheriffs; providing standards for personal body armor; requiring payment of expenses by county commission; limiting the construction of provisions; and encouraging defrayment of expenses.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2800—A Bill to amend and reenact §18-7A-3, §18-7A-14, §18-7A-17, §18-7A-23, §18-7A-25 and §18-7A-26 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §18-7A-14c, all relating to the Teachers' Retirement System; specifying the time period in which a participating public employer allocates and reports gross salary to the retirement board; including nonteachers within the definition of present member; defining retire and retirement; modifying the definition of teacher member; providing for the correction of errors; requiring nonteachers to file a statement with the retirement board detailing the length of service

being claimed for retirement credit; requiring that members granted prior service credit for qualified military service shall have been honorably discharged from active duty; providing for purchasing out of state service credit for members who transferred from the Teachers' Defined Contribution Retirement System; providing that a nonteaching member shall not be considered absent from service while serving as an officer with a statewide professional teaching association; requiring that members make written request to the retirement board to receive credit for service previously credited by the Public Employees Retirement System; providing that all interest paid or transferred on service credit from the Public Employees Retirement System be deposited in the reserve fund; providing that an inactive member may elect to receive an annuity at age sixty; providing that the sole primary beneficiary of a member is eligible for an annuity if the contributor was fifty years old with twenty-five years service; providing that a refund beneficiary shall receive the contributor's accumulated contributions up to the plan year of contributor's death; providing that a refund beneficiary shall be paid the Teachers' Defined Contribution Retirement System member contributions transferred plus the vested portion of employer contributions and any earnings; providing that an actively contributing member who is at least sixty years of age is eligible for an annuity; providing that any member who has thirty years of total service in the state as a nonteaching member is eligible for an annuity; specifying that anyone who becomes a new member on or after July 1, 2013, shall have five or more years of actual contributory service to qualify for retirement; providing that a nonteaching member who is fifty-five years of age and has served thirty years in the state is eligible for an annuity; providing that a nonteaching member is eligible for disability benefits; providing for the computation of a member's annuity; and providing for the commencement date of disability annuity benefits.

At the request of Senator Unger, and by unanimous consent, the message was taken up for immediate consideration and reference of the bill to a committee dispensed with.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2802—A Bill to amend and reenact §16-5V-2, §16-5V-8, §16-5V-11, §16-5V-20, §16-5V-21 and §16-5V-24 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto two new sections, designated §16-5V-8a and §16-5V-35, all relating to the Emergency Medical Services Retirement System; modifying the definition of annual compensation as it relates to determining benefits; adding a definition for contributing service to this article; adding a definition for the terms retire and retirement to this article; providing for correction of participating public employer errors by the board; providing eligibility requirements for commencement of benefits; specifying that the board must be in receipt of a request for estimation of benefits prior to providing a member with an explanation of their estimated gross monthly annuity and a retirement application; providing that a member shall have at least ten years of contributing service to qualify for nonduty related disability retirement; specifying that the total nonduty disability award received by a member shall be based on their average monthly compensation during the twelve month period immediately preceding the disability award; providing that all costs associated with disability benefit examinations shall be paid from the board's expense fund; providing that disability benefits shall cease on the first day of the month following termination of disability by the board; requiring annual disability recertification for a retirant who is less than sixty years of age during the first five years of retirement and once every three years thereafter; providing that if a member who is receiving a nonduty disability benefit dies the surviving spouse shall receive the average monthly compensation received by the member prior to the disability award; and providing for the annuity calculation for a member who returns to covered employment after retirement.

At the request of Senator Unger, and by unanimous consent, the message was taken up for immediate consideration and reference of the bill to a committee dispensed with.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2809—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §25-8-1, relating to authorizing the Division of Corrections to implement a responsible parent program pilot project; setting forth requirements to participate in the program; setting forth program goals; and requiring a report.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

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

Eng. Com. Sub. for House Bill No. 2945—A Bill to amend and reenact §12-4-14a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-3-33a, all relating to the distribution of state funds to volunteer fire departments under the Volunteer Fire Department Workers' Compensation Subsidy Program generally; specifying that the subsidy provided to volunteer fire departments to offset certain workers' compensation premium increases apply to increases attributable to the fire fighting service, rapid response emergency medical service, ambulance service and diving service components of the services provided by volunteer fire departments; establishing the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund and directing that certain moneys be deposited into the fund for the program; and requiring reviews, assessments and reports to the Legislature prior to termination of the program.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2992—A Bill to repeal §60-9-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-9-4 and §60-9-6 of said code, all relating to eliminating duplicative reporting requirements imposed on distributors of imported cigarettes.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 3013—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-2B-1, relating to authorizing the establishment of job creation work groups to obtain information to assist the Legislature's efforts to take effective action to increase and attract jobs in West Virginia.

At the request of Senator Unger, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 79—Requesting the Division of Highways to name bridge number 30-119-0.01 on Route 119 in Mingo County, the “Joe Curtis (Joey) Dingess Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 85—Requesting the Division of Highways to rename the Roderfield Box Beam Bridge, bridge number 24-52-12.79 crossing over Spice Creek in McDowell County, the “Carnie L. Spratt Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 89—Requesting the Division of Highways to name bridge number 10-27-0.01, currently known as Pax Bridge, on County Route 27 in Pax, West Virginia, the “Navy AD3 Jack Lively Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 91—Requesting the Division of Highways to name the stretch of County Highway 5, also known as Mud Fork Road, in Logan County, West Virginia, beginning at the intersection of County Road 119/26 and County Road 119/14, continuing NW for 10.6 miles and ending at the intersection of County Highway 5 and East Fork Road, the “Platoon Sgt Clifford Tomblin Highway, United States Army”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Senate Bill No. 65, Exempting PERS retirement income of DNR police officers from state income tax.

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

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 90, Creating felony offense of DUI causing serious bodily injury.

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

Com. Sub. for Senate Bill No. 90 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, relating to making it a felony to drive a vehicle while under the influence of alcohol, controlled substance or other drug and cause serious bodily injury to another person under certain circumstances; defining “serious bodily injury”; making technical corrections; and

establishing penalties for first and subsequent violations of certain provisions.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Beach, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 90) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 110, Limiting certain property reappraisal increase.

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

Com. Sub. for Senate Bill No. 110 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §11-1C-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-3-1, §11-3-15c and §11-3-15d of said code, all relating to phasing in any assessment of property if there is an increase in the assessment after valuation for the property of more than twenty-five percent;

clarifying that the limitation does not apply to natural resources property or to property upon which improvements have been made; and increasing the time to file a petition in response to notice of an increased assessment of certain real and personal property.

Senate Bill No. 492, Authorizing rural resort community as limited gaming facility.

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

Com. Sub. for Senate Bill No. 492 (originating in the Committee on the Judiciary)—A Bill to repeal §29-25-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-25-1, §29-25-2, §29-25-3, §29-25-5, §29-25-6, §29-25-9, §29-25-12, §29-25-15, §29-25-18, §29-25-19, §29-25-20, §29-25-21, §29-25-24, §29-25-28, §29-25-29, §29-25-30, §29-25-31, §29-25-32, §29-25-34, §29-25-35, §29-25-37 and §29-25-38 of said code; and to amend said code by adding thereto two new sections, designated §29-25-22b and §29-25-22c, all relating to gaming facilities; authorizing gaming facilities; permitting a rural resort community as limited gaming facility; defining terms; creating the Rural Resort Community Fund and Rural Resort Community Human Resource Benefit Fund; providing for the regulation and control of a rural resort community; and repealing the local option provision of this article.

And,

Senate Bill No. 628, Requiring Supreme Court establish program to appoint probation officers to address truancy.

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

Com. Sub. for Senate Bill No. 628 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931,

as amended, by adding thereto a new section, designated §62-12-5a, relating to authorizing the Supreme Court of Appeals to establish a special pilot program for the appointment of additional probation officers in up to five circuits to address truancy.

With the recommendation that the three committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bills (Com. Sub. for S. B. Nos. 110, 492 and 628) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee references, were then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill No. 118, Creating I Support Veterans license plate.

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

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 195, Removing tax rate expiration date on eligible acute care hospitals.

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

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 202 (originating in the Committee on Agriculture and Rural Development), Creating WV Spay Neuter Program and Fund.

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

Com. Sub. for Com. Sub. for Senate Bill No. 202 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-20C-1, §19-20C-2 and §19-20C-3, all relating to establishing the West Virginia Spay Neuter Assistance Program and Fund; designating the Commissioner of the Department of Agriculture to manage the program and fund; providing grants to nonprofit spay neuter programs in state; limiting administrative expenses of fund; requiring annual reporting; and authorizing rulemaking.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 324 (originating in the Committee on Government Organization), Allowing boards licensing persons engaging in manufacture, distribution or dispensing controlled substances set fees by legislative rule.

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

Com. Sub. for Com. Sub. for Senate Bill No. 324 (originating in the Committee on Finance)—A Bill to amend and reenact §30-5-1a and §30-5-16 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §30-5-16c; to amend and reenact §60A-3-301 of said code; and to amend said code by adding thereto a new section, designated §60A-3-301a, all relating to permits for manufacturing, making, producing, packing, packaging or preparing drugs, medicines, toilet articles, dentifrices and cosmetics and registration of practitioners dispensing controlled substances; modifying fees associated with the permits; granting rule-making authority to the Board of Pharmacy to establish a fee schedule for obtaining and maintaining the permit; providing that statutory fee schedule will remain in effect until amended, modified, repealed or replaced by legislative rule; clarifying disciplinary action that may be taken if condition or rule relating to permit is violated; modifying registration fees

for practitioners dispensing controlled substances; granting rule-making authority to boards, departments and agencies that license or register practitioners dispensing controlled substances; and providing that statutory fee schedule for registering practitioners dispensing controlled substances will remain in effect until amended, modified, repealed or replaced by legislative rule.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 466 (originating in the Committee on Natural Resources), Creating Dangerous Wild Animals Act.

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

Com. Sub. for Com. Sub. for Senate Bill No. 466 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-34-1, §19-34-2, §19-34-3, §19-34-4, §19-34-5, §19-34-6, §19-34-7, §19-34-8, §19-34-9 and §19-34-10, all relating to the regulation of dangerous wild animals; setting forth findings and purpose; defining terms; creating the Dangerous Wild Animal Board; setting forth the duties of the board; requiring the board to create a list of dangerous wild animals by rule; permitting the board to issue a permit for a dangerous wild animal legally possessed prior to the effective date of the rules; prohibiting the

possession of a dangerous wild animal thereafter; setting forth permit requirements; providing for confiscation and disposition of animals; permitting the suspension and revocation of permits; providing exemptions; providing rule-making authority; and establishing criminal and civil penalties.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill No. 556, Relating to broadband deployment projects.

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

Com. Sub. for Senate Bill No. 556 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §31-15C-2, §31-15C-8, §31-15C-9 and §31-15C-10 of the Code of West Virginia, 1931, as amended, all relating to broadband deployment projects; clarifying that the Broadband Deployment Council’s public outreach and education efforts extend beyond unserved areas; revising the council’s guidelines on requests for funding assistance; requiring the council to give priority to funding type 3 unserved areas; requiring projects for broadband service involving the construction of a network to meet the revised definition of “broadband” before being approved; revising the criteria for funding assistance applications; providing

that projects to promote demand may be on a regional or statewide basis; revising notice and posting requirements; and defining and redefining certain terms.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Beach, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 556) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Government Organization.

The Senate proceeded to the sixth order of business.

Senators Kessler (Mr. President), Stollings, Jenkins, Yost, Fitzsimmons, Wells, McCabe, D. Hall, Prezioso, Cookman and Plymale offered the following resolution:

Senate Resolution No. 49—Designating March 28, 2013, as “West Virginia Kids at Risk Day” at the Legislature.

Whereas, The State of West Virginia and the West Virginia Child Care Association (WVCCA) have some of the best child welfare professionals and agencies in the country; and

Whereas, These child welfare professionals and agencies have dedicated their time to making life better for West Virginia’s children who are at risk; and

Whereas, These West Virginia professionals and agencies have a compassion that never ends, a hope for a better tomorrow and a dedication to their efforts through the long haul; and

Whereas, These West Virginia professionals and agencies work with West Virginia's child welfare stakeholders to eliminate policy barriers and day-to-day practices that reduce the effective utilization of in-state resources; and

Whereas, Our state's child welfare professionals and agencies do everything possible to provide opportunities for West Virginia's kids at risk to receive care in West Virginia, where they can remain in their communities, with their families and connected to their support systems; and

Whereas, These professionals and agencies are regulated by the State of West Virginia through legislation and by oversight of the West Virginia Department of Health and Human Resources and Department of Education; and

Whereas, Our state's stringent licensing requirements and standards of care ensure that children at risk in West Virginia are receiving the best quality of care; and

Whereas, By using West Virginian child welfare professionals and agencies our state is doing what is best for West Virginia's kids at risk and their families; and

Whereas, These West Virginia child care professionals and agencies advocate for and deliver services and support to provide for the safety, well being and opportunity for kids at risk to achieve their hopes and dreams; and

Whereas, These professionals and agencies provide family-driven, youth-guided, culturally competent and trauma-informed care for the citizens of West Virginia; and

Whereas, The West Virginia professionals, who care for the at-risk children in our state, and the organizations that exist to impact the lives of these children and their families, provide quality care in the kids' and families' communities; and

Whereas, This quality care is provided in a variety of settings, including community agencies, hospitals, residential group homes, foster families, emergency shelters and community and educational institutions, and seeks to provide resources and guidance that promotes the safety, well being and permanency of West Virginia's at-risk kids; and

Whereas, West Virginia's child welfare providers dedicate themselves to excellence in their profession through licensing, advocacy, education and professional development; and

Whereas, The Senate recognizes and appreciates the outstanding dedication, devotion and care of West Virginia's child welfare professionals and agencies, and of the West Virginia Child Care Association, all for their caring and commitment and for making a difference in the lives of at-risk children in the State of West Virginia, their families and communities; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 28, 2013, as "West Virginia Kids at Risk Day" at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials representing the West Virginia Child Care Association.

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

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

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

Petitions

Senator Sypolt presented a petition from Katrina Robinette and numerous Keyser residents, requesting installation of a signal light at the intersection of Stony Run Road and U. S. Route 220.

Referred to the Committee on Government Organization.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 430, Defining “employment term” in Teachers’ Defined Contribution Retirement System.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 430) passed with its title.

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

Eng. Com. Sub. for Senate Bill No. 431, Relating to public employer liability for delinquent retirement contributions.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 431) passed with its title.

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

Eng. Senate Bill No. 491, Relating to rental car license cost recovery fee.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 491) passed with its title.

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

Eng. Senate Bill No. 507, Relating to PERS and State Police Retirement System contribution rates.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 507) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird,

McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 507) takes effect from passage.

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

Eng. House Bill No. 2784, Relating to the Deputy Sheriff Retirement System Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2784) passed with its title.

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

The Senate proceeded to the ninth order of business.

Senate Bill No. 52, Relating to Rural Health Initiative Act.

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

Com. Sub. for Senate Bill No. 146, Collecting unpaid magistrate court charges through income tax refund withholding.

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

Senate Bill No. 157, Exempting certain nonresidents from Class D license requirement.

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

Senate Bill No. 331, Permitting Courthouse Facilities Improvement Authority to issue bonds.

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

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

On page four, section two, lines twenty-four and twenty-five, after the words “the county” by inserting the words “or another governmental entity,”.

The bill (S. B. No. 331), as amended, was then ordered to engrossment and third reading.

Senate Bill No. 394, Relating to scholarships for dependent children of state troopers who die in performance of duty.

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

Com. Sub. for Senate Bill No. 418, Relating to Emergency Medical Services Retirement System Act.

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

On motion of Senator Unger, the bill was recommitted to the Committee on Finance.

Com. Sub. for Senate Bill No. 419, Relating to Teachers Retirement System.

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

On motion of Senator Unger, the bill was recommitted to the Committee on Finance.

Com. Sub. for Com. Sub. for Senate Bill No. 428, Relating to costs for HIV or STD testing and treatment by Bureau for Public Health.

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

Com. Sub. for Com. Sub. for Senate Bill No. 448, Increasing number of demonstration dealer plates issued to large commercial vehicle dealers.

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

Senate Bill No. 463, Increasing special license fee paid by pipeline companies to PSC.

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

Com. Sub. for Senate Bill No. 482, Relating to sale of voter registration lists.

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

Com. Sub. for Com. Sub. for Senate Bill No. 488, Relating to damage to health or safety systems of certain facilities.

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

Senate Bill No. 506, Relating to residency requirement of state-chartered banking institution directors.

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

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill No. 542, Relating to restricted races at pari-mutuel thoroughbred horse racetracks.

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

Com. Sub. for Senate Bill No. 563, Excluding jewelry platinum, gold, silver and palladium from definition of “scrap metal”.

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

Senate Bill No. 596, Determining grant awards for Chesapeake Bay and Greenbrier River watershed compliance projects.

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

Senate Bill No. 663, Creating WV Feed to Achieve Act.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill No. 21, Creating Health Care Provider Transparency Act.

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

Com. Sub. for Com. Sub. for Senate Bill No. 185, Relating to alternative-fuel motor vehicles and qualified refueling infrastructure tax credits.

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

Com. Sub. for Senate Bill No. 191, Relating to increasing maximum aggregate funding to Revenue Shortfall Reserve Fund.

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

Com. Sub. for Senate Bill No. 250, Authorizing Department of Commerce promulgate legislative rules.

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

Com. Sub. for Senate Bill No. 270, Authorizing Department of Revenue promulgate legislative rules.

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

Com. Sub. for Senate Bill No. 281, Authorizing Department of Transportation promulgate legislative rules.

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

Senate Bill No. 354, Requiring study on alternative revenue sources for funding state roads.

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

Com. Sub. for Senate Bill No. 369, Relating to concealed handgun license reciprocity.

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

Com. Sub. for Senate Bill No. 438, Authorizing reorganization of certain community and technical colleges.

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

Senate Bill No. 460, Exempting certain residents' active duty military pay from state income tax.

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

Senate Bill No. 462, Extending time for informal conferences on surface mining permit applications.

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

Senate Bill No. 467, Revising stocking permit requirements for release of aquatic species into state waters.

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

Senate Bill No. 470, Permitting wine sale on Sunday mornings at fairs and festivals.

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

Com. Sub. for Senate Bill No. 533, Modifying definitions of “domestic battery” and “domestic assault”.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Bill No. 543, Allowing Legislative Auditor establish application review fee schedule.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Com. Sub. for Senate Bill No. 553, Relating to Highway Design-Build Program.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Bill No. 557, Continuing Preventive Care Pilot Program.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Bill No. 564, Increasing minimum construction cost of municipal public works project before competitive bidding is required.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Bill No. 569, Requiring appointment of State Fire Marshal be with advice and consent of Senate.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Bill No. 579, Updating code relating to absentee and early in-person voting.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Senate Bill No. 592, Removing requirement Physicians' Mutual Insurance Company be nonprofit corporation.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Senate Bill No. 601, Removing requirement certain juvenile proceedings be sealed.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Bill No. 604, Expanding definition of "electioneering communication".

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Senate Bill No. 652, Requiring criminal background checks for home inspector applicants.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Senate Bill No. 653, Establishing job creation work groups.

On first reading, coming up in regular order, was reported by the Clerk.

On motion of Senator Unger, the bill was recommitted to the Committee on Economic Development.

Eng. House Bill No. 2487, Prohibiting the use of laetrile.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Carmichael and Boley.

Thereafter, at the request of Senator McCabe, and by unanimous consent, the remarks by Senator Carmichael were ordered printed in the Appendix to the Journal.

At the request of Senator Barnes, unanimous consent being granted, the remarks by Senator Boley were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate recessed until 4:30 p.m. today.

Upon expiration of the recess, the Senate reconvened.

At the request of Senator Unger, and by unanimous consent, the provisions of rule number fifty-four of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant Corey Facemire, the son of the Honorable Douglas E. Facemire, a senator from the twelfth district, privileges of the floor for the day.

At the request of Senator Unger, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 22, Requiring maternity services coverage for all health insurance plan dependents.

Com. Sub. for Senate Bill No. 98, Creating Shale Research, Education, Policy and Economic Development Center at WVU.

And,

Com. Sub. for Senate Bill No. 344, Relating to regional meetings among certain county boards of education officials.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 103, Creating WV Commuter Rail Access Act.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 326, Establishing appropriation request process for higher education system.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill No. 421, Exempting certain school mascot from prohibition of firearms possession on school grounds.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 421 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to providing an exemption for the official mascot of Parkersburg South High School, commonly known as the Patriot, which would allow the mascot to carry a musket on school grounds when the mascot is acting in his or her official capacity.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill No. 433, Creating informal dispute resolution process for DHHR providers or licensees.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 444, Increasing MU and WVU foundation investments.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 444 (originating in the Committee on Education)—A Bill to amend and reenact §12-1-12d of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-1 and §18B-2A-3 of said code; to amend and reenact §18B-7-11 of said code; to amend and reenact §18B-19-10 of said code; and to amend said code by adding thereto a new section, designated §18B-19-19, all relating to higher education generally; increasing the amounts that Marshall University and West Virginia University may have invested with their respective foundations under certain conditions; authorizing certain actions by certain state institutions of higher education regarding capital projects and facilities and capital project financing; exempting compensation packages of certain institutional presidents from certain approval process; clarifying that certain members of institutional governing boards are eligible to succeed themselves under certain conditions; collecting, synthesizing and disseminating data from state institutions of higher education; directing institutional boards of governors to cooperate in certain data-related operations; providing certain privacy protections for data; exempting the West Virginia Policy Commission and West Virginia Council for Community and Technical College Education from meeting certain employee ratios; authorizing the use of proceeds from rentals and leases of real property at state institutions of higher education and providing for the transfer of real property to other public bodies; and exempting certain institutional boards of

governors from certain approval process related to capital facilities and requiring certain reports.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert H. Plymale,
Chair.

At the request of Senator Plymale, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 444) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill No. 498 (originating in the Committee on Government Organization), Relating to hearing location for Alcohol Beverage Control Administration's appeal hearings.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill No. 498 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §11-16-24 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3A-28 of said code; to amend and reenact §60-7-13a of said code; and to amend and reenact §60-8-18 of said code, all relating to hearing procedures for certain licenses issued

by the Alcohol Beverage Control Administration; requiring that appeals from the commissioner's decision regarding disciplinary action against a licensee are to be brought in the circuit court of Kanawha County or the circuit court in the county where the proposed or licensed premises is located and will or does conduct sales; and providing that the licensee appealing the commissioner's decision is required to pay the costs and fees incident to transcribing, certifying and transmitting records pertaining to the appeal.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill No. 515, Relating to use of television receivers and other devices in vehicles.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill No. 527, Relating to process of filling vacancies in certain elected offices.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 527 (originating in the Committee on the Judiciary)—A Bill to repeal §3-10-4a of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-10-1, §3-10-2, §3-10-3, §3-10-3a, §3-10-4, §3-10-5, §3-10-6, §3-10-7 and §3-10-8 of said code, all relating to filling vacancies by appointment or election in certain elected offices; defining terms; setting procedures for appointing persons to fill certain vacancies; requiring certain appointments within a certain period of time; listing time periods and certain offices where elections must be held to fill certain vacancies; setting special requirements for filling vacancies in certain offices; setting procedures for certain special elections; setting requirements for special filing periods, where necessary; requiring certain notice be given regarding elections to fill vacancies; providing for payment of costs if a new election is necessary; allowing nomination of certain persons without party affiliation; allowing emergency orders by the Secretary of State in certain circumstances; removing and repealing certain language relating to previous elections; clarifying method used to fill vacancies in the Office of Governor; permitting meeting of the Judicial Vacancy Advisory Commission upon certain formal announcements of retirement or resignation; adjusting method to fill vacancies in certain statewide, legislative and judicial offices such that the timing for all are consistent; adjusting method to fill vacancies in United States Congress; requiring most elections to fill vacancies be held in conjunction with regularly scheduled elections; clarifying method used to fill vacancies in certain county offices; permitting vacancies in certain county offices to be filled by temporary replacements for no more than thirty days; and updating language regarding filling vacancies in certain elected offices.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 527) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill No. 552, Creating Uniform Real Property Electronic Recording Act.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on March 27, 2013;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 561, Establishing Tucker County Cultural District Authority.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Herb Snyder,
Chair.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 575, Computing local county share of public education library funding.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 575 (originating in the Committee on Education)—A Bill to amend and reenact §18-9A-11 of the Code of West Virginia, 1931, as amended, relating to providing for equal treatment of county boards of education in funding public libraries as a part of the system of public education; modifying legislative findings; removing provisions pertaining to certain library funding obligations being paid from the county board's discretionary retainage; requiring that any additional levy of a county board include a public library funding allocation equal to at least one percent of the county board's annual general current expense budget; adding special acts that create a library funding obligation on an additional levy to those special acts that are subject to certain provisions pertaining to the additional levy; and removing provisions pertaining to the transfer of a library obligation so that it becomes an excess levy obligation.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert H. Plymale,
Chair.

The bill (Com. Sub for S. B. No. 575), under the original double committee reference, was then referred to the Committee on Finance.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 580, Relating to practice of dentistry.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Ron Stollings,
Chair.

At the request of Senator Stollings, unanimous consent being granted, the bill (S. B. No. 580) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill No. 582, Implementing terms of Uniform Arbitration Act.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on March 27, 2013;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 586, Transferring authority to license cosmetology, barber and massage schools to Council for Community and Technical College Education.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 586 (originating in the Committee on Government Organization)—A Bill to repeal §30-27-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-27-3, §30-27-5, §30-27-8, §30-27-11 and §30-27-12 of said code; and to amend and reenact §30-37-7 of said code,

all relating to the Board of Barbers and Cosmetologists; licensing schools of aesthetics, barbering, cosmetology, manicuring and massage; transferring authority to approve licensure for certain schools; clarifying powers and duties of the board; providing requirements for professional licensing, license renewal and work permits; establishing certain student registration requirements; and providing definitions.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Education.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Plymale, as chair of the Committee on Education, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 610, Renaming Industrial Home for Youth as Salem Correctional Center; placing Salem and Parkersburg correctional centers under Division of Corrections.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 610 (originating in the Committee on Government Organization)—A Bill to repeal §28-3-1a, §28-3-

1b, §28-3-2, §28-3-4, §28-3-5, §28-3-6, §28-3-7, §28-3-8, §28-3-9, §28-3-10, §28-3-11, §28-3-12, §28-3-13, §28-3-14, §28-3-15, §28-3-16, §28-3-17 and §28-3-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §25-1-3 of said code; and to amend and reenact §28-3-1 of said code, all relating to state correctional and penal institutions; renaming the Industrial Home for Youth the Salem Correctional Center; transferring control of the Salem Correctional Center to the Division of Corrections; and authorizing the Parkersburg Correctional Center and placing it under the control of the Division of Corrections.

And,

Senate Bill No. 630, Relating to Chief Technology Officer's duties with regard to security of government information.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 630 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-6-4a of the Code of West Virginia, 1931, as amended, relating to duties of the Chief Technology Officer with regard to security of government information; adding the Division of Protective Services and the West Virginia Intelligence Fusion Center to the list of agencies exempted from the control of the Chief Technology Officer; and adding the Treasurer to the list of officers whose responsibilities cannot be infringed upon by the Chief Technology Officer.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Herb Snyder,
Chair.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill No. 623, Relating to funding for probation officers to address truancy.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill No. 624, Adjusting penalties for willful failure to pay child support.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 624 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-5-29 of the Code of West Virginia, 1931, as amended, relating to adjusting penalties for willful failure to pay child support; requiring probation and home confinement instead of confinement in a correctional facility for first violations; creating the misdemeanor offense of a second conviction of willfully failing to pay child support; creating a felony offense of a third or subsequent conviction of willfully failing to pay child support; and requiring certain persons

convicted of willfully failing to pay child support to promptly obtain employment or register with Workforce West Virginia and complete certain programs.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill No. 638, Terminating severance tax exemption for production of natural gas or oil.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 638 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-22, relating to exemptions from the tax on the privilege of severing natural gas and oil; terminating a severance tax exemption for natural gas or oil produced from any horizontally drilled well that has not produced marketable quantities for five consecutive years immediately preceding the year in which such well is placed back into production and thereafter produces marketable quantities of natural gas or oil; providing an exception thereto; and specifying a controlling effective date.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill No. 643, Relating to crime victim compensation awards.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 643 (originating in the Committee on the Judiciary)—A Bill to amend and reenact § 14-2A-3, § 14-2A-9 and § 14-2A-12 of the Code of West Virginia, 1931, as amended, all relating to compensation awards to victims of crimes; redefining terms; increasing the amount of victim relocation costs; permitting a victim's reasonable travel costs to attend probation hearings of the offender; allowing student loans obtained by a victim to be treated as a lost scholarship in certain instances; permitting the Court of Claims to hire more than two claim investigators; and permitting claim investigators to acquire autopsy reports, including toxicology results, from the State Medical Examiner.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 643) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 648, Providing students financial aid for certain degrees in return for state service commitment.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert H. Plymale,
Chair.

At the request of Senator Plymale, unanimous consent being granted, the bill (S. B. No. 648) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. House Bill No. 2463, Repealing the article that permits the sterilization of persons deemed to be mentally incompetent.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

The Senate proceeded to the eleventh order of business and the introduction of guests.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Friday, March 29, 2013, at 11 a.m.

FRIDAY, MARCH 29, 2013

The Senate met at 11 a.m.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by Pastor Seth Polk, Cross Lanes Baptist Church, Cross Lanes, West Virginia.

Pending the reading of the Journal of Thursday, March 28, 2013,

On motion of Senator Sypolt, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

On motion of Senator Unger, the Senate recessed for five minutes to permit Tyler Ohrn to address the Senate on behalf of the Frasure-Singleton Student Legislative Program.

Upon expiration of the recess, the Senate reconvened and proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 14, Requesting DOH name portion of State Route 20 in Upshur County “Thomas B. Dunn Memorial Highway”.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2108—A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-14-15, of said code, all relating to the operation of motor vehicles; making the offense of failure to wear safety belts a primary offense; and prohibiting denial of insurance coverage for prohibited use of electronic communications devices while driving.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2519—A Bill to amend and reenact §11-24-43a of the Code of West Virginia, 1931, as amended; to amend and reenact §31-15A-16 of said code; and to amend and reenact §33-20F-4 of said code, all relating to reallocation and repatriation of certain funds to the General Revenue Fund; eliminating the required payments into the Special Railroad and Intermodal Enhancement Fund for fiscal year 2014; reducing the amount deposited annually to the credit of the West Virginia Infrastructure General Obligation Debt Service Fund, subject to certain limitations, conditions and constraints; eliminating provisions regarding a loan from the Tobacco Settlement Medical Trust Fund to the Physician's Mutual Insurance Company; eliminating the requirement that certain taxes imposed upon medical malpractice insurance premiums to paid into the Revenue Shortfall Reserve Fund; and specifying effective dates.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2913—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §11-10-26, relating to correction of certain erroneous distributions, transfers, allocations, overpayments or underpayments; specifying immunity of agencies, subdivisions and instrumentalities of this state from any fine, penalty, assessment or imposition as a result of, or attributable to the erroneous distribution, transfer, allocation, overpayment or underpayment of moneys.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 3158—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29A-3B-13, relating to legislative oversight of education system performance and progress; creating duty of legislative oversight commission on education accountability to examine certain results; providing purposes; and requiring annual report.

Referred to the Committee on Education.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 92—Requesting the Division of Highways to name bridge number 23-119/5-1.80 on County Route 119/5 in Logan County, the “Army Corporal Randell Maynard Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 96—Requesting the Division of Highways to name the bridge previously known as Shoals Bridge, bridge number 50-75-10.66, located on County Route 75 in Shoals, West Virginia, the “Army Sgt. Paul Whitman Carroll Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill No. 117, Creating criminal offense of possession of burglar's tools.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 117 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-11a, relating to creating a criminal offense of possession of burglar's tools; and establishing penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill No. 365, Relating to certain criminal conviction expungement.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 365 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the expungement of certain criminal convictions generally; permitting expungement of certain felony convictions; establishing the

amount of time after conviction of a felony before expungement may be sought; creating exceptions; clarifying that retirement or employment benefits lost due to conviction are not reinstated due to expungement; declaring that expungement does not preclude a person who has received an expungement from being subject to sentencing enhancements for second and subsequent violations; declaring that information in State Police database sufficient to prove existence of prior convictions; establishing a fee to offset State Police costs associated with administering this section and the Criminal Identification Bureau; establishing a special revenue account in the State Treasury for funds received; and allowing funds to not expire.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 481, Relating to juvenile mental health treatment.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 481 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §27-4-1 of the Code of West Virginia, 1931, as amended, relating to juvenile mental health, intellectual disability and addiction; permitting acceptance of a notarized application in lieu of in-person application for certain voluntary hospitalization;

allowing use of article five, chapter twenty-seven of said code for juveniles in certain situations; requiring parents or guardians to transport minors for voluntary hospitalization; creating exceptions to that requirement by affidavit to circuit court, mental hygiene commissioner or magistrate court; requiring transfer by county sheriff upon order of circuit court, mental hygiene commissioner or magistrate court; and requiring mental health facilities to make their application immediately accessible in certain situations.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ron Stollings,
Chair.

At the request of Senator Stollings, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 481) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill No. 594, Establishing Court of Claims procedure for unjust arrest, conviction or imprisonment claims.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 594 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §14-2-13a and §14-2-16 of the Code of West Virginia, 1931, as amended, all relating to procedures for certain claims against the state; detailing the process for claims for unjust arrest and imprisonment or conviction and imprisonment; stating legislative intent; requiring certain notice of claims; establishing the burden of proof necessary; permitting the Court of Claims to determine the amount of relief granted; stating the burden of proving damages; and permitting the court to call expert witnesses in certain situations.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill No. 615, Amending method for determining table game license renewal fee for pari-mutuel racetracks.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 615 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §29-22A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22C-8 of said code, all relating to providing for distribution of certain amounts of gross terminal income derived from racetrack video lottery terminals; and amending the table game license renewal fee for West Virginia pari-mutuel racetracks.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 615) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution No. 20, Requesting DOH name portion of State Route 80 in McDowell County “Army PFC Phill G. McDonald Medal of Honor Recipient Memorial Highway”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 20 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name State Route 80, beginning at the intersection of Routes 52 and 80 in Iaeger and ending at the intersection of Routes 83 and 80 in Bradshaw, in McDowell County, the “Army PFC Phill G. McDonald Memorial Highway”.

Whereas, PFC McDonald was born on September 13, 1941, to Oscar Fred and VanDora McDonald; and

Whereas, PFC McDonald was raised in Avondale and had thirteen brothers and sisters; and

Whereas, When PFC McDonald was about seventeen he moved to Greensboro, North Carolina, where his sister Alice resided and began working in a cedar plant; and

Whereas, After moving to North Carolina PFC McDonald became active in the Central Assembly Church of God, taught Sunday School, sang in the choir, played the guitar and planned to become a minister; and

Whereas, PFC McDonald joined the United States Army in Beckley, West Virginia, in 1967, took basic training at Fort Benning, Georgia, and served as a private first class in Company A, 1st Battalion, 14th Infantry Regiment, 4th Infantry Division; and

Whereas, PFC McDonald was posthumously awarded the Medal of Honor by President Nixon during a special ceremony at the White House, for his actions during a June 7, 1968, firefight near Kontum City in the Republic of Vietnam, during which he was killed; and

Whereas, PFC McDonald's Medal of Honor Citation reads in full: "For conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty. Pfc. McDonald distinguished himself while serving as a team leader with the First Platoon, Company A. While on a combat mission his platoon came under heavy barrage of automatic weapons fire from a concealed company-size enemy force. Volunteering to escort two wounded comrades to an evacuation point, McDonald crawled through intense fire to destroy with a grenade an enemy automatic weapon threatening the safety of the evacuation. Returning to his platoon, he again volunteered to provide covering fire for the maneuver

of the platoon from its exposed position. Realizing the threat he posed, enemy gunners concentrated their fire on McDonald's position, seriously wounding him. Despite his painful wounds, McDonald recovered the weapon of a wounded machine gunner to provide accurate covering fire for the gunner's evacuation. When other soldiers were pinned down by a heavy volume of fire from a hostile machine gun to his front, McDonald crawled toward the enemy position to destroy it with grenades. He was mortally wounded in this intrepid action. McDonald's gallantry at the risk of his life which resulted in the saving of the lives of his comrades, is in keeping with the highest traditions of the military service and reflects great credit upon himself, his unit, and the U.S. Army"; and

Whereas, PFC McDonald is McDowell County's only Medal of Honor recipient; and

Whereas, On February 23, 2012, during a special ceremony, PFC McDonald's portrait and Medal of Honor citation were placed in the McDowell County Courthouse and in the hearts of all those who knew him; and

Whereas, During that February 23, 2012, ceremony, VFW Post 1144, Iaeger, and American Legion Post 175, Bradshaw, combined to offer a 21-gun salute at the courthouse to honor PFC McDonald; and

Whereas, It is fitting to honor Army PFC Phill G. McDonald for his commitment, dedication and service to his country and his state and having made the ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name State Route 80, beginning at the intersection of Routes 52 and 80 in Iaeger and ending at the intersection of Routes 83 and 80 in Bradshaw, McDowell County, the "Army PFC Phill G. McDonald Memorial Highway"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the highway as the “Army PFC Phill G. McDonald Memorial Highway”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and the family of Army PFC Phill G. McDonald.

Senate Concurrent Resolution No. 22, Requesting DOH name bridge in Kanawha County “Joseph Albert ‘Joey’ King, Jr., Memorial Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 22 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name the bridge on highway U. S. 214 South, Oakhurst Drive and Deer Oaks Road in Kanawha County, Bridge No. 20-214-7.97, the “Joseph Albert ‘Joey’ King, Jr., Memorial Bridge”.

Whereas, Joseph Albert “Joey” King, Jr., died in the line of duty as a volunteer firefighter on December 4, 2011, when he fell to his death from a bridge while looking for a fire. Joey was very dedicated to the Davis Creek and Ruthdale volunteer fire departments and the safety of his community. The first left from this bridge going south is the road that Joey traveled for years to and from home and work; and

Whereas, Joseph Albert “Joey” King, Jr., was born on August 28, 1951, in Charleston, West Virginia, the son of Joseph and Betty Jo King. He grew up with his parents and his siblings: Arietta, Diana, Bethel and Linnie “Curley”. Joey was blessed to have three children: Edna, Joey III and LeAnne. Joey’s beloved only son passed away at age twelve in 1988. Joey later met his longtime companion, Sonja Kay, and helped raise her son, Anthony. Joey

loved to travel to Florida on his motorcycle to visit his daughter and spend time with his granddaughters, Amanda and Skyler. He loved to ride and was a member of the Patriot Guard and The Red Knights motorcycle clubs. Joey spent many years working at Copley's Wrecker Service. He later worked for the City of Charleston Sanitary Board as a mechanic, before retiring for health reasons. Joey served as a volunteer and took pride in being a firefighter. He found a way to help people and the community by becoming a volunteer firefighter, a task that lasted for the last seven years of his life; and

Whereas, Joey originally started at the fire department to get Anthony interested in something worthwhile and positive. However, he soon realized that he had a knack for what a volunteer fire department does—helping people. He became not only a firefighter, but a great friend to many members of the department. He saw that he could use his mechanical skills to benefit the fire department by caring for the equipment. Most people will never realize how valuable an asset Joey was to the fire department. To his brother firefighters, he was a friend, brother and mentor, with many looking to him for personal advice to help them to get through life. One man stated at the memorial service that Joey was a “first responder” before there was such a thing, the man you wanted at an accident scene. On a lighter note, Joey loved to tease and play practical jokes on others. He enjoyed taking his nieces' sons and granddaughters to his garage, sitting them on his motorcycle or taking them to the firehouse and putting them in the fire truck. Joey was always there for someone in need. People have said he was the nicest guy they knew and could never be replaced. Never once did he hesitate to help anyone in need of help; and

Whereas, It is only fitting that we honor Joseph Albert “Joey” King, Jr., for his dedication to the Davis Creek and Ruthdale volunteer fire departments and the safety of his community, and for his contributions to his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge on highway U. S. 214 South, Oakhurst Drive and Deer Oaks Road in Kanawha County, Bridge No. 20-214-7.97, the “Joseph Albert ‘Joey’ King, 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 “Joseph Albert ‘Joey’ King, 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 Secretary of the Department of Transportation and to the children, surviving relatives and companion of Joseph Albert “Joey” King, Jr.

And,

Senate Concurrent Resolution No. 29, Requesting DOH name bridge number 20-64-54.37 “Cpl. Kenneth R. Hess Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 29 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name the bridge designated bridge number 20-64-54.37 the “Army Cpl. Kenneth R. Hess Bridge”.

Whereas, Cpl. Kenneth R. Hess was born on May 21, 1921, in Buena Vista, Virginia; and

Whereas, Cpl. Kenneth R. Hess was inducted into the United States Army on August 6, 1942, at the age of twenty-one; and

Whereas, Cpl. Kenneth R. Hess spent eleven months overseas, serving in England, France, Belgium, Holland and Germany during the Second World War; and

Whereas, Cpl. Kenneth R. Hess was a member of Company D of the 377th Infantry Regiment of the 95th Infantry Division organized in Texas; and

Whereas, The members of the 95th Infantry Division are known as the “Iron Men of Metz”, and renowned for fighting back fierce German counterattacks and for the eventual liberation of the town of Metz, in the northeast of France; and

Whereas, The people of Metz, and of France, have never forgotten the contributions of the Iron Men of Metz; and

Whereas, In honor of his service, which included maintaining and repairing weapons of an infantry heavy weapons company, Cpl. Kenneth R. Hess was honored by the French government with the *Orde National de la Legion d’Honneur*, presented to him in a ceremony at the French Embassy in Washington, D. C.; and

Whereas, Cpl. Kenneth R. Hess was also honored by the United States Army with a Good Conduct Medal, three Bronze Service Stars, France and Germany Theater Ribbons and an American Theater Ribbon; and

Whereas, Cpl. Kenneth R. Hess was honorably discharged from the United States Army on November 11, 1945; and

Whereas, Cpl. Kenneth R. Hess returned to the United States, where he worked for thirty-eight years as a millwright at Union Carbide until his retirement; and

Whereas, It is fitting and proper that the outstanding service to his country by Cpl. Kenneth R. Hess be honored by naming the bridge designated bridge number 20-64-54.37 the “Cpl. Kenneth R. Hess Bridge”; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge designated bridge number 20-64-54.37 the “Army Cpl. Kenneth R. Hess 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 “Army Cpl. Kenneth R. Hess Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to Cpl. Kenneth R. Hess.

With the recommendation that the three committee substitutes be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Unger, unanimous consent being granted, the resolutions (Com. Sub. for S. C. R. Nos. 20, 22 and 29) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution No. 23, Requesting DOH name bridge in Wyoming County “Reverend Edward and Mary Mullins Memorial Bridge”.

Senate Concurrent Resolution No. 24, Requesting DOH name portion of U. S. Route 60 in Kanawha County “Lou Tabit Highway”.

Senate Concurrent Resolution No. 30, Requesting DOH name bridge in Wyoming County “Army SP4 Jackie (Hearn) McMillion Memorial Bridge”.

Senate Concurrent Resolution No. 32, Requesting DOH name bridge in Monongalia County “U. S. Army and Air National Guard Col. Garry L. Bowers-Ices Ferry Bridge”.

Senate Concurrent Resolution No. 34, Requesting DOH name bridge in Wayne County “Mavis Granny Castle Bridge”.

And,

House Concurrent Resolution No. 33, The “201st Artillery Drive”.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Unger, unanimous consent being granted, the resolutions (S. C. R. No. 23, S. C. R. No. 24, S. C. R. No. 30, S. C. R. No. 32, S. C. R. No. 34 and H. C. R. No. 33) contained in the preceding report from the Committee on

Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the seventh order of business.

The President then stated the hour had arrived for the special order of business, as to

House Concurrent Resolution No. 12, Designating the annual observance of March 31 as “West Virginia State Trooper Day”.

On unfinished business, having been received as a House message on Monday, March 25, 2013, and now coming up as a special order, was reported by the Clerk.

At the request of Senator Unger, unanimous consent being granted, reference of the resolution to a committee was dispensed with and it was taken up for immediate consideration.

The question now being on the adoption of the resolution, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened.

The special order of business having been concluded, the Senate then proceeded to the eighth order of business.

Eng. Senate Bill No. 52, Relating to Rural Health Initiative Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 52) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 146, Collecting unpaid magistrate court charges through income tax refund withholding.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 146) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 157, Exempting certain nonresidents from Class D license requirement.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 157) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 331, Permitting Courthouse Facilities Improvement Authority to issue bonds.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 331) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 394, Relating to scholarships for dependent children of state troopers who die in performance of duty.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 394) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Senate Bill No. 394—A Bill to amend and reenact §15-2-33 of the Code of West Virginia, 1931, as amended; and to amend and reenact §15-2A-12 of said code, all relating to providing scholarships for dependent children of state troopers who die in performance of duty; and stating amount available per year.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 394) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 428, Relating to billing for HIV or STD testing and treatment.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 428) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 448, Increasing number of demonstration dealer plates issued to large commercial vehicle dealers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 448) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 463, Increasing special license fee paid by pipeline companies to PSC.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 463) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 482, Relating to sale of voter registration lists.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Palumbo, unanimous consent being granted, further consideration of the bill was deferred until the conclusion of bills on today's third reading calendar.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 488, Relating to damage to health or safety systems of certain facilities.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 488) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 542, Relating to restricted races at pari-mutuel thoroughbred horse racetracks.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins,

Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 542) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 563, Excluding jewelry platinum, gold, silver and palladium from definition of “scrap metal”.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 563) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 596, Determining grant awards for Chesapeake Bay and Greenbrier River watershed compliance projects.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Facemire—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 596) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Facemire—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 596) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 663, Creating WV Feed to Achieve Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill No. 663 pass?”

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 663) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder,

Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 663) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senator Unger regarding the passage of Engrossed Senate Bill No. 663 were ordered printed in the Appendix to the Journal.

The end of today's third reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for Senate Bill No. 482, Relating to sale of voter registration lists.

On third reading, coming up in deferred order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 482) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 21, Creating Health Care Provider Transparency Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill No. 185, Relating to alternative-fuel motor vehicles and qualified refueling infrastructure tax credits.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 191, Relating to increasing maximum aggregate funding to Revenue Shortfall Reserve Fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 250, Authorizing Department of Commerce promulgate legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 270, Authorizing Department of Revenue promulgate legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 281, Authorizing Department of Transportation promulgate legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 354, Requiring study on alternative revenue sources for funding state roads.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk and adopted:

On page six, section eight-d, line seventy-nine, by striking out the word "Department" and inserting in lieu thereof the word "Division".

The bill (S. B. No. 354), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 369, Relating to concealed handgun license reciprocity.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 438, Authorizing reorganization of certain community and technical colleges.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 460, Exempting certain residents' active duty military pay from state income tax.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 462, Extending time for informal conferences on surface mining permit applications.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 467, Revising stocking permit requirements for release of aquatic species into state waters.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 470, Permitting wine sale on Sunday mornings at fairs and festivals.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 506, Relating to residency requirement of state-chartered banking institution directors.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill No. 527, Relating to process of filling vacancies in certain elected offices.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 533, Modifying definitions of “domestic battery” and “domestic assault”.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 543, Allowing Legislative Auditor establish application review fee schedule.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 552, Creating Uniform Real Property Electronic Recording Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill No. 553, Relating to Highway Design-Build Program.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 557, Continuing Preventive Care Pilot Program.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 564, Increasing minimum construction cost of municipal public works project before competitive bidding is required.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 569, Requiring appointment of State Fire Marshal be with advice and consent of Senate.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 579, Updating code relating to absentee and early in-person voting.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 582, Implementing terms of Uniform Arbitration Act.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Walters, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill No. 592, Removing requirement Physicians' Mutual Insurance Company be nonprofit corporation.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 601, Removing requirement certain juvenile proceedings be sealed.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 604, Expanding definition of “electioneering communication”.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 652, Requiring criminal background checks for home inspector applicants.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. House Bill No. 2487, Prohibiting the use of laetrile.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill No. 3013, Authorizing the establishment of job creation work groups.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill No. 22, Requiring maternity services coverage for all health insurance plan dependents.

Senate Bill No. 65, Exempting PERS retirement income of DNR police officers from state income tax.

Com. Sub. for Senate Bill No. 98, Creating Shale Research, Education, Policy and Economic Development Center at WVU.

Com. Sub. for Senate Bill No. 103, Creating WV Commuter Rail Access Act.

Senate Bill No. 118, Creating I Support Veterans license plate.

Com. Sub. for Senate Bill No. 195, Removing tax rate expiration date on eligible acute care hospitals.

Com. Sub. for Com. Sub. for Senate Bill No. 202, Creating WV Spay Neuter Assistance Program and Fund.

Com. Sub. for Com. Sub. for Senate Bill No. 324, Allowing boards licensing persons engaging in manufacture, distribution or dispensing controlled substances set fees by legislative rule.

Com. Sub. for Senate Bill No. 326, Establishing appropriation request process for higher education system.

Com. Sub. for Senate Bill No. 344, Relating to regional meetings among certain county boards of education officials.

Com. Sub. for Senate Bill No. 421, Exempting certain school mascot from prohibition of firearms possession on school grounds.

Com. Sub. for Senate Bill No. 433, Creating informal dispute resolution process for DHHR providers or licensees.

Com. Sub. for Com. Sub. for Senate Bill No. 466, Creating Dangerous Wild Animals Act.

Com. Sub. for Com. Sub. for Senate Bill No. 498, Relating to hearing location for Alcohol Beverage Control Administration's appeal hearings.

Senate Bill No. 515, Relating to use of television receivers and other devices in vehicles.

Senate Bill No. 561, Establishing Tucker County Cultural District Authority.

Com. Sub. for Senate Bill No. 586, Transferring authority to license cosmetology, barber and massage schools to Council for Community and Technical College Education.

Com. Sub. for Senate Bill No. 610, Renaming Industrial Home for Youth as Salem Correctional Center; placing Salem and Parkersburg correctional centers under Division of Corrections.

Senate Bill No. 623, Relating to funding for probation officers to address truancy.

Com. Sub. for Senate Bill No. 624, Adjusting penalties for willful failure to pay child support.

Com. Sub. for Senate Bill No. 630, Relating to Chief Technology Officer's duties with regard to security of government information.

Com. Sub. for Senate Bill No. 638, Terminating certain severance tax exemption for production of natural gas or oil.

Eng. House Bill No. 2800, Relating to the Teachers' Retirement System.

And,

Eng. Com. Sub. for House Bill No. 2802, Relating to the Emergency Medical Services Retirement System.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Wells.

On motion of Senator Unger, the Senate adjourned until Monday, April 1, 2013, at 11 a.m.

MONDAY, APRIL 1, 2013

The Senate met at 11 a.m.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by Pastor Garry Hall, Eccles First Baptist Church, Eccles, West Virginia.

Pending the reading of the Journal of Friday, March 29, 2013,

On motion of Senator Tucker, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution No. 8, Requesting DOH name portion of Route 38 in Fayette County “Sizemore Moran Veterans Memorial Road”.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2521—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new

section, designated §60A-7-705a, relating to the West Virginia Contraband Forfeiture Act; revising procedures for administrative forfeiture of certain types of property involved in the trafficking of controlled substances; establishing time frames; and providing for notice.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2563—A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended, relating to percentage of their work time that school counselors must spend in a direct or indirect counseling relationship with at-risk students and other pupils and requiring that their remaining work time be spent on only counseling related administrative and other counseling related duties.

Referred to the Committee on Education.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2778—A Bill to amend and reenact §16-9A-2, §16-9A-3, §16-9A-7 and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to the usage restrictions for tobacco and tobacco products; defining tobacco products; defining vapor products; including vapor products within the definition of tobacco products; exclusions; prohibiting the sale of vapor products to individuals under eighteen years of age; prohibiting the use and possession of vapor products by an individual under eighteen years of age; including vapor products within the tobacco products for which unannounced inspections may be conducted to ensure compliance with sales restrictions;

and restricting the sale of vapor products in vending machines; establishing associated misdemeanor offenses and penalties for prohibited use, sale and possession and related violations.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2851—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6-9-8a, relating to establishing a one time audit cost amnesty program for local governments with delinquent audit costs.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2923—A Bill to amend and reenact §31A-4-8 of the Code of West Virginia, 1931, as amended, relating to directors of state-chartered banking institutions; and eliminating the residency requirement for a majority of the directors of a state-chartered banking institution.

At the request of Senator Unger, and by unanimous consent, the message was taken up for immediate consideration and reference of the bill to a committee dispensed with.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2956—A Bill to amend and reenact §11-16-3 and §11-16-6 of the Code of West Virginia, 1931, as amended, all relating to resident brewers and brewpubs; clarifying and amending applicable definitions; clarifying certain requirements and operations relating to distribution and sales at brewpubs; and allowing for the limited sale of nonintoxicating beer and nonintoxicating craft beer by brewpubs for personal consumption off premises and not for resale.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 3003—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9D-4a, relating generally to facilitating and enforcing compliance with escrow, certification and other requirements imposed on certain tobacco manufacturers that did not participate in the tobacco product manufacturers' Master Settlement Agreement; imposing bonding requirements on certain nonparticipating tobacco product manufacturers; and providing for forfeiture of bond for noncompliance.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 49—Requesting the Division of Highways to rename the new South Mineral Wells bridge, bridge number 54.14-6.93, over Tygart Creek on County 54, Route 14, near Mineral Wells, Wood County, the "Larry W. Border Memorial Bridge".

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution No. 18, Requesting DOH name portion of State Route 20 in Wyoming County “David and Janet Lee Memorial Highway”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 18 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name a stretch of highway in Wyoming County, West Virginia, on State Route 20, just across the Wyoming County line approximately one mile to just past Ikes Fork Freewill Baptist Church, the “David and Janet Lee Memorial Highway”.

Whereas, David E. Lee, Sr., was born in Ikes Fork, West Virginia, May 16, 1927, the youngest son of John and Millie Lee. He served in the United States Air Force and was a proud veteran of World War II and the Korean War. He married his beloved wife Janet December 9, 1949, and they shared fifty-three wonderful years together until her death in 2004. After his military service, David utilized the GI Bill and graduated from Marshall College in 1959. After working for the IRS in Chicago, Illinois, David and Janet moved back to West Virginia in 1963 where they remained until their deaths. David began a thirty-year teaching career in 1963 at Coal Mountain School, Huff Consolidated and Baileysville High School where he touched the lives of the many students he taught and coached. He served two terms on the Wyoming

County Board of Education after his retirement, continuing to be an advocate for the students and public education. Affectionately known as “Poppy”, David cherished his four sons, David Jr., Dale, Dean and Dante, and his grandchildren, JL, Tiffany, Chelsea, Aaron, Danielle, Jessica, Brittany, Drew and Kendra and his great grandchildren, John David, Katie, Isabella and Colton. David was active in his church and community and was always willing to help his neighbors. Janet Riffe Lee was born September 13, 1933, the daughter of John and Cara Riffe. She owned a restaurant and flower shop until she became a cook in the Wyoming County school system and at the Wyoming County Jail. Known for her great cooking, she served the students with a smile and a special touch of believing in them. She devoted her life to David and her boys as well as her grandchildren. She was active in her church and community and was a compassionate shoulder for those in need. They say “behind every great man is an even greater woman pushing him”. That was never more true than for David and Janet. She was truly the strong force that kept the family together. David passed away on April 16, 2012; and

Whereas, It is fitting to honor David and Janet Lee by naming a stretch of highway in Wyoming County, West Virginia, on State Route 20, just across the Wyoming County line approximately one mile to just past Ikes Fork Freewill Baptist Church, for David and Janet Lee; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name a stretch of highway in Wyoming County, West Virginia, on State Route 20, just across the Wyoming County line approximately one mile to just past Ikes Fork Freewill Baptist Church, the “David and Janet Lee Memorial Highway”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the stretch of highway as the “David and Janet Lee Memorial Highway”; and, be it

JOURNAL
of
THE SENATE
State of West Virginia

EIGHTY-FIRST LEGISLATURE

Regular Sixty-Day (and Extended) Session, 2013

First Extraordinary Session, 2013

VOLUME II



NOTE: The second volume continues with Journal proceedings proper (page 1039) of April 1 and continues with the proceedings of April 13, ending with page 2092 of the Regular Session.



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Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to the surviving children and relatives of David and Janet Lee.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Beach, unanimous consent being granted, the resolution (Com. Sub. for S. C. R. No. 18) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Unger, and by unanimous consent, the remarks by Senator Chafin regarding the adoption of Committee Substitute for Senate Concurrent Resolution No. 18 were ordered printed in the Appendix to the Journal.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and proceeded to the sixth order of business.

Senators Boley, Barnes, Blair, Carmichael, Cole, M. Hall, Nohe, Sybolt and Walters offered the following resolution:

Senate Concurrent Resolution No. 36—Requesting the Joint Committee on Government and Finance study the impact of the Common Core State Standards on public education in West Virginia.

Whereas, The West Virginia Legislature has made student achievement in West Virginia public schools a priority and devoted great time and resources to improving student achievement; and

Whereas, Educators throughout West Virginia have expressed concern about the potential impact of the Common Core State Standards on public education in West Virginia; and

Whereas, The West Virginia Legislature and educators throughout the State of West Virginia share the objective of developing and enacting sound educational policies that advance the shared goal of greater student achievement; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Joint Committee on Government and Finance study the impact of the Common Core State Standards on public education in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance is hereby requested to study the Common Core State Standards, their impact on public education in West Virginia and the appropriate use of the Common Core State Standards by public schools in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

Which, under the rules, lies over one day.

At the request of Senator Stollings, unanimous consent being granted, Senators Kessler (Mr. President), Stollings, Yost, Fitzsimmons, Wells, Prezioso, Edgell, Plymale, Laird, McCabe, Kirkendoll, D. Hall, Unger, Snyder, Palumbo and Facemire offered the following resolution from the floor:

Senate Resolution No. 50—Calling upon Patriot Coal to live up to their obligations to active and retired miners, their families and widows.

Whereas, The United Mine Workers of America has secured health care and pensions for retired coal miners and widows through decades of collective bargaining; and

Whereas, The gains made for working miners as a result of collective bargaining are now being threatened through the use of the bankruptcy proceedings; and

Whereas, Peabody's spin off of Patriot Coal jeopardizes the current collective bargaining agreement for active UMWA members at Patriot operations; and

Whereas, Peabody's spin off of Patriot Coal jeopardizes retiree pensions and health care via Patriot's bankruptcy action; and

Whereas, Actions taken by Peabody and Arch to shed themselves of promised health and retirement benefits through corporate schemes could also hurt coal retiree's pensions and health care; and

Whereas, The loss of promised health care and retirement benefits jeopardizes the health and security of UMWA active, laid off and retired members and their dependants; and

Whereas, The loss of promised health care and retirement benefits, if not addressed, could push many local communities into a financial crisis; and

Whereas, All coalfield communities have a significant interest in fighting to maintain retiree pensions and health care for our citizens; therefore, be it

Resolved by the Senate:

That the Senate hereby calls upon Patriot Coal to live up to their obligations to active and retired miners, their families and widows; and, be it

Further Resolved, That the West Virginia Senate pledges the United Mine Workers of America and its membership to join in the fight to protect and maintain mine workers' pensions and health care from assaults by these and other coal operators; and, be it

Further Resolved, That the West Virginia Senate calls upon Peabody, Arch and Patriot to live up to their obligations to provide coal miners' health care and retirement security; and, be it

Further Resolved, That the West Virginia Senate calls upon others to assist in preventing these corporations from stripping from active, laid off and retired coal miners their contractually promised lifetime health care benefits.

At the request of Senator Unger, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

At the request of Senator Cann, unanimous consent being granted, Senators Cann and Facemire offered the following resolution from the floor:

Senate Resolution No. 51—Recognizing Salem International University on the occasion of its 125th Anniversary.

Whereas, Salem College received its charter from the State of West Virginia in December 1888, and offered its first term of instruction beginning in April 1889; and

Whereas, Salem College, now known as Salem International University, sits on one hundred beautiful acres of land nestled in the mountains of West Virginia; and

Whereas, Salem International University's mission is to prepare global citizens with broad knowledge, marketable professional skills and the ability to make decisions with integrity and an international perspective; and

Whereas, Salem International University's goals are to provide effective educational experiences; design and maintain a unique environment conducive to developing an international citizen; select, support and develop human resources consistent with excellence in leadership, scholarship and work and life skills; and improve student learning, facilitate improvements in teaching and corroborate institutional effectiveness; and

Whereas, Salem International University's list of alumni include CEOs for national and international companies, professional athletes, business executives, educators and even a state governor; and

Whereas, Salem International University has a tradition of academic excellence and innovation and is a valuable asset to the State of West Virginia; and

Whereas, The Senate hereby acknowledges the contributions of Salem International University to the State of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Salem International University on the occasion of its 125th Anniversary; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the representatives of Salem International University.

At the request of Senator Unger, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

Petitions

Senator Jenkins presented a petition from Linda West and seventy Ebenezer Medical Outreach, Inc., patients opposing state budget cuts to Health Right Free Clinics.

Referred to the Committee on Finance.

Senator Plymale presented a petition from Jennifer Butler and numerous Kenova residents, requesting a new Kenova Elementary School building.

Referred to the Committee on Education.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 21, Creating Health Care Provider Transparency Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell,

Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 21) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 185, Relating to alternative-fuel motor vehicles and qualified refueling infrastructure tax credits.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Blair—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 185) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Blair—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 185) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 191, Relating to increasing maximum aggregate funding to Revenue Shortfall Reserve Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Carmichael—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 191) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Carmichael—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 191) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 250, Authorizing Department of Commerce promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 250) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 250) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 270, Authorizing Department of Revenue promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins,

Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 270) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 270) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 281, Authorizing Department of Transportation promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 281) passed with its title.

Senator Unger moved that the bill take effect from passage. On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 281) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 354, Requiring study on alternative revenue sources for funding state roads.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Cann, Chafin, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Wells, Yost and Kessler (Mr. President)—24.

The nays were: Barnes, Blair, Boley, Carmichael, Cole, M. Hall, Nohe, Sypolt, Walters and Williams—10.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 354) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 369, Relating to concealed handgun license reciprocity.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 369) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 438, Authorizing reorganization of certain community and technical colleges.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 438) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 438) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 460, Exempting certain residents' active duty military pay from state income tax.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 460) passed.

The following amendment to the title of the bill, from the Committee on Military, was reported by the Clerk and adopted:

Eng. Senate Bill No. 460—A Bill to amend and reenact §11-21-12e of the Code of West Virginia, 1931, as amended, relating to

exempting active duty military pay for resident individuals serving thirty or more continuous days on active duty in the armed forces of the United States, National Guard or armed forces reserves for the taxable year in which the individual has separated from active military service; and providing a limitation.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 462, Extending time for informal conferences on surface mining permit applications.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 462) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 467, Revising stocking permit requirements for release of aquatic species into state waters.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Yost and Kessler (Mr. President)—33.

The nays were: Williams—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 467) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 470, Permitting wine sale on Sunday mornings at fairs and festivals.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Palumbo, Prezioso, Snyder, Stollings, Sypolt, Tucker, Walters, Wells, Williams, Yost and Kessler (Mr. President)—27.

The nays were: Barnes, Boley, Chafin, M. Hall, Nohe, Plymale and Unger—7.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 470) passed.

The following amendment to the title of the bill, from the Committee on Agriculture and Rural Development, was reported by the Clerk and adopted:

Eng. Senate Bill No. 470—A Bill to amend and reenact §60-8-3 of the Code of West Virginia, 1931, as amended, relating generally to permitting wineries and farm wineries to sell samples and wine at licensed fairs or festivals on Sunday mornings; and limiting samples to three ounces.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 527, Relating to process of filling vacancies in certain elected offices.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 527) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 533, Modifying definitions of “domestic battery” and “domestic assault”.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 533) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 543, Allowing Legislative Auditor establish application review fee schedule.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale,

Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 543) passed with its title.

Senator Unger moved that the bill take effect from passage. On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 543) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 552, Creating Uniform Real Property Electronic Recording Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 552) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 553, Relating to Highway Design-Build Program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Boley, Cann, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—30.

The nays were: Barnes, Blair, Carmichael and Sypolt—4.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 553) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Beach, Boley, Cann, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—30.

The nays were: Barnes, Blair, Carmichael and Sypolt—4.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 553) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 557, Continuing Preventive Care Pilot Program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 557) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 557) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 564, Increasing minimum construction cost of municipal public works project before competitive bidding is required.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 564) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 569, Requiring appointment of State Fire Marshal be with advice and consent of Senate.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 569) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird,

McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 569) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 579, Updating code relating to absentee and early in-person voting.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 579) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 592, Removing requirement Physicians' Mutual Insurance Company be nonprofit corporation.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 592) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 592) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 601, Removing requirement certain juvenile proceedings be sealed.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 601) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 604, Expanding definition of “electioneering communication”.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale,

Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 604) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 652, Requiring criminal background checks for home inspector applicants.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 652) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. Senate Bill No. 652—A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to criminal background checks for home inspector license applicants; and providing rule-making authority to the State Fire Commission to require criminal background checks for home inspector license applicants.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 652) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 2487, Prohibiting the use of laetrile.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale,

Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2487) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill No. 3013, Authorizing the establishment of job creation work groups.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 3013) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 22, Requiring maternity services coverage for all health insurance plan dependents.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 65, Exempting PERS retirement income of DNR police officers from state income tax.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 98, Creating Shale Research, Education, Policy and Economic Development Center at WVU.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 103, Creating WV Commuter Rail Access Act.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk and adopted:

On page five, section four, line nineteen, by striking out the word “to” and inserting in lieu thereof the word “by”.

The bill (Com. Sub. for S. B. No. 103), as amended, was then ordered to engrossment and third reading.

Senate Bill No. 118, Creating I Support Veterans license plate.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 195, Removing tax rate expiration date on eligible acute care hospitals.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill No. 202, Creating WV Spay Neuter Assistance Program and Fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill No. 324, Allowing boards licensing persons engaging in manufacture, distribution or dispensing controlled substances set fees by legislative rule.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 326, Establishing appropriation request process for higher education system.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Plymale, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Com. Sub. for Senate Bill No. 344, Relating to regional meetings among certain county boards of education officials.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill No. 421, Exempting certain school mascot from prohibition of firearms possession on school grounds.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 433, Creating informal dispute resolution process for DHHR providers or licensees.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill No. 466, Creating Dangerous Wild Animals Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill No. 498, Relating to hearing location for Alcohol Beverage Control Administration's appeal hearings.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 506, Relating to residency requirement of state-chartered banking institution directors.

On second reading, coming up in regular order, was reported by the Clerk.

On motion of Senator Unger, the bill was recommitted to the Committee on the Judiciary.

Senate Bill No. 515, Relating to use of television receivers and other devices in vehicles.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 561, Establishing Tucker County Cultural District Authority.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 582, Implementing terms of Uniform Arbitration Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 586, Transferring authority to license cosmetology, barber and massage schools to Council for Community and Technical College Education.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Stollings, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Com. Sub. for Senate Bill No. 610, Renaming Industrial Home for Youth as Salem Correctional Center; placing Salem and Parkersburg correctional centers under Division of Corrections.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 623, Relating to funding for probation officers to address truancy.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 624, Adjusting penalties for willful failure to pay child support.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 630, Relating to Chief Technology Officer's duties with regard to security of government information.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 638, Terminating certain severance tax exemption for production of natural gas or oil.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. House Bill No. 2800, Relating to the Teachers' Retirement System.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2802, Relating to the Emergency Medical Services Retirement System.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill No. 117, Creating criminal offense of possession of burglar's tools.

Com. Sub. for Senate Bill No. 365, Relating to certain criminal conviction expungement.

And,

Com. Sub. for Senate Bill No. 594, Establishing Court of Claims procedure for unjust arrest, conviction or imprisonment claims.

At the request of Senator Plymale, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate recessed until 4:30 p.m. today.

Upon expiration of the recess, the Senate reconvened and again proceeded to the fourth order of business.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill No. 90 (originating in the Committee on Transportation and Infrastructure), Creating felony offense of DUI causing serious bodily injury.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill No. 90 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-5-2 and §17C-5-2b of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-5A-1, §17C-5A-2, §17C-5A-3 and §17C-5A-3a of said code, all relating to making it a felony to drive a vehicle while under the influence of alcohol, controlled substance or other drug and cause death or serious bodily injury to another person; eliminating misdemeanor offense of driving a vehicle while under the influence of alcohol, controlled substance or other drug and causing death; amending internal code references; and establishing criminal and administrative penalties.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. No. 90) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill No. 347, Requiring Public Employees Grievance Board provide training seminars to certain persons.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 347 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6C-3-2a, relating to requiring the Public Employees Grievance Board, in conjunction with the Division of Personnel, to provide training seminars for chief administrators and persons who conduct level one hearings and conferences under the public employees' grievance process; stating certain training requirements; requiring chief administrators and persons who conduct level one hearings and conferences to obtain certain training; and permitting a registration fee for the training.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 347) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill No. 355, Relating to final wage payment to discharged employees.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 355 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, relating to the time final wages are required to be paid to discharged employees; authorizing payment by mail if requested by the employee; providing that employers pay an employee all wages he or she earned at the time of quitting if the employee gives written notice of his or her intention to quit at least one pay period before quitting; defining “business day”; and making other technical changes.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 355) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 363, Implementing purchasing reforms.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 27, 2013;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 378 (originating in the Committee on the Judiciary), Adjusting population line for calculating certain magistrate and staff salaries.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill No. 378 (originating in the Committee on Finance)—A Bill to amend and reenact §50-1-3, §50-1-8, §50-1-9 and §50-1-9a of the Code of West Virginia, 1931, as amended, all relating to adjusting the population line upon which salaries for magistrates and certain magistrate employees are calculated; providing an effective date; and providing that the adjustments are retroactive to January 1, 2013.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. No. 378) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill No. 403, Relating to judicial retirement system contribution rates.

With an amendment from the Committee on Pensions pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Pensions to which the bill was first referred.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (S. B. No. 403) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill No. 426 (originating in the Committee on Interstate Cooperation), Relating to filings under Uniform Commercial Code as to secured transactions.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill No. 426 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §46-9-510, §46-9-516 and §46-9-521 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §46-9-516a, all relating to amending the Uniform Commercial Code as to secured transactions; providing for the effectiveness of filed records; creating additional authority to refuse to accept a record for filing; creating circumstances under which a record filing is false; providing criminal penalties for filing or attempting to file a false record; providing civil penalties for filing or attempting to file a false record; setting forth an administrative procedure initiated by the Secretary of State or a person identified as a debtor on a record; requiring party to an adverse administrative decision by the Secretary of State to file action in Kanawha County Circuit Court if the party wishes to have the Secretary of State's decision reversed; exempting the filing office and its employees from liability; exempting filings by a regulated financial institution or its representatives from certain provisions; and clarifying the applicability of provisions to records filed prior to the effective date of this article.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. No. 426) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill No. 437 (originating in the Committee on Agriculture and Rural Development), Regulating commercial dog-breeding operations.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill No. 437 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-26, relating to protecting dogs by creating regulations for commercial dog-breeding operations; providing definitions; providing exceptions; allowing commercial breeders to sell dogs only as household pets; requiring a business license if required by the locality; authorizing county commissions to charge a fee to a commercial dog breeder to obtain an annual permit to operate; limiting the amount of the fee; setting forth responsibilities of the commercial dog breeder; setting forth the requirements for maintaining adequate enclosures; providing for inspections; prohibiting a commercial dog breeder to operate if convicted of animal cruelty; providing no exemption for United States Department of Agriculture licensees; and providing criminal penalties or granting an improvement period.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. No. 437) contained in the preceding report from the Committee on the

Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill No. 451, Clarifying when carbon monoxide detector is required.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (S. B. No. 451) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 454 (originating in the Committee on Transportation and Infrastructure), Relating to taxation of alternative motor fuels.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill No. 454 (originating in the Committee on Finance)—A Bill to amend and reenact §11-14C-2, §11-14C-5, §11-14C-9, §11-14C-10, §11-14C-13 and §11-14C-19 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-14C-6a; to amend and reenact §11-15-18b of said code; and to amend and reenact §11-15A-13a of said code, all relating to the taxation of alternative fuel; defining terms; requiring the Tax Commissioner to determine the gasoline gallon equivalent for alternative fuels; imposing tax on motor fuel equivalent gallons; specifying the point of imposition of tax on alternative fuels not otherwise taxed at the point of imposition; providing that propane used in a motor vehicle is subject to the tax; requiring alternative-fuel bulk end users, providers of alternative fuels and retailers of alternative fuels to be licensed; establishing bonding requirements for alternative-fuel bulk end users, providers of alternative fuels and retailers of alternative fuels; establishing due dates for returns and payments of tax on alternative fuels; and specifying effective dates for amendments.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. No. 454) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 458, Permitting PEIA health plans to operate on calendar-year basis.

Senate Bill No. 474, Clarifying when deposits are presumed abandoned for unclaimed property purposes.

Senate Bill No. 509, Imposing statutory liens on certain fire insurance proceeds.

And,

Senate Bill No. 599, Expanding number of hours temporary state personnel may work.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bills (S. B. Nos. 458, 474, 509 and 599) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time and ordered to second reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 478, Redefining “video lottery games”; permitting wagering by historic resort hotel employees.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 27, 2013;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill No. 490, Creating Equine Facilities and Care Act.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 490) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 492, Authorizing rural resort community as limited gaming facility.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 28, 2013;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill No. 493, Providing standards for converting and retrofitting motor vehicles to alternative fuels.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 493) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill No. 504, Relating to cooperative associations.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (S. B. No. 504) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill No. 521 (originating in the Committee on Transportation and Infrastructure), Creating amnesty program for certain drivers with suspended or revoked licenses.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill No. 521 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17B-3-3c and §17B-3-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17B-3-9a, all relating to creating an amnesty program

for certain persons with suspended or revoked licenses due to unpaid fines and assessments to allow reinstatement drivers' licenses; establishing a time period and certain procedures for the amnesty program; creating exceptions to the amnesty period; making certain technical corrections; requiring certain tickets amnestied remain listed as unsatisfied on court records and amounts remain due; requiring certain suspension or revocation time remaining be waived in certain situations; requiring a public awareness campaign regarding the amnesty program; and providing for emergency and standard rule-making authority.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. No. 521) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill No. 580, Relating to practice of dentistry.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 580 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-4-

13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-4-13a, all relating to the practice of dentistry; and updating the requirements for dental intern, dental resident and dental teaching permits.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 580) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill No. 656, Establishing special study committee to assess problems facing gaming industry.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 656 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22A-20, relating to establishing a gaming industry special study committee to assess problems facing the gaming industry in West Virginia.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 656) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill No. 664 (originating in the Committee on Finance)—A Bill supplementing and amending by decreasing the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Governor's Office, fund 0101, fiscal year 2013, organization 0100, to the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2013, organization 0100, to the West Virginia Conservation Agency, fund 0132, fiscal year 2013, organization 1400, to the Department of Administration - Office of the Secretary, fund 0186, fiscal year 2013, organization 0201, to the Department of Administration, Division of Finance, fund 0203, fiscal year 2013, organization 0209, to the Department of Administration, Division of General Services, fund 0230, fiscal year 2013, organization 0211, to the Department of Administration, Division of Purchasing, fund 0210, fiscal year 2013, organization 0213, to the Department of Administration, Travel Management, fund 0615, fiscal year 2013, organization 0215, to the Department of Administration, Public Employees Insurance Agency, fund 0200, fiscal year 2013, organization 0225, to the Department of Administration, Real Estate Division, fund 0610, fiscal year 2013, organization 0233, to the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2013, organization

0307, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2013, organization 0310, to the Department of Education, State Department of Education, fund 0313, fiscal year 2013, organization 0402, to the Department of Education, West Virginia Schools for the Deaf and the Blind, fund 0320, fiscal year 2013, organization 0403, to the Department of Education and the Arts - Office of the Secretary, fund 0294, fiscal year 2013, organization 0431, to the Department of Education and the Arts, Division of Culture and History, fund 0293, fiscal year 2013, organization 0432, to the Department of Education and the Arts, Library Commission, fund 0296, fiscal year 2013, organization 0433, to the Department of Education and the Arts, Educational Broadcasting Authority, fund 0300, fiscal year 2013, organization 0439, to the Department of Environmental Protection, Division of Environmental Protection, fund 0273, fiscal year 2013, organization 0313, to the Department of Health and Human Resources - Office of the Secretary, fund 0400, fiscal year 2013, organization 0501, to the Department of Health and Human Resources, Division of Health - Central Office, fund 0407, fiscal year 2013, organization 0506, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2013, organization 0506, to the Department of Health and Human Resources, Human Rights Commission, fund 0416, fiscal year 2013, organization 0510, to the Department of Military Affairs and Public Safety - Office of the Secretary, fund 0430, fiscal year 2013, organization 0601, to the Department of Military Affairs and Public Safety, Adjutant General - State Militia, fund 0433, fiscal year 2013, organization 0603, to the Department of Military Affairs and Public Safety, Adjutant General - Military Fund, fund 0605, fiscal year 2013, organization 0603, to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management, fund 0443, fiscal year 2013, organization 0606, to the Department of Military Affairs and Public Safety, Division of Corrections - Central Office, fund 0446, fiscal year 2013, organization 0608, to the Department of Military Affairs and Public Safety, West Virginia State Police, fund 0453, fiscal year 2013, organization 0612, to the Department of Military Affairs and

Public Safety, Division of Justice and Community Services, fund 0546, fiscal year 2013, organization 0620, to the Department of Military Affairs and Public Safety, Division of Protective Services, fund 0585, fiscal year 2013, organization 0622, to the Department of Revenue, Office of the Secretary, fund 0465, fiscal year 2013, organization 0701, to the Department of Revenue, Tax Division, fund 0470, fiscal year 2013, organization 0702, to the Department of Revenue, State Budget Office, fund 0595, fiscal year 2013, organization 0703, to the Department of Revenue, West Virginia Office of Tax Appeals, fund 0593, fiscal year 2013, organization 0709, to the Department of Transportation, State Rail Authority, fund 0506, fiscal year 2013, organization 0804, to the Department of Transportation, Division of Public Transit, fund 0510, fiscal year 2013, organization 0805, to the Department of Transportation, Public Port Authority, fund 0581, fiscal year 2013, organization 0806, to the Department of Transportation, Aeronautics Commission, fund 0582, fiscal year 2013, organization 0807, to the Department of Veterans' Assistance, fund 0456, fiscal year 2013, organization 0613, to the Department of Veterans' Assistance - Veterans' Home, fund 0460, fiscal year 2013, organization 0618, and to the West Virginia Council for Community and Technical College Education - Control Account, fund 0596, fiscal year 2013, organization 0420, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (S. B. No. 664) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Tuesday, April 2, 2013, at 11 a.m.

TUESDAY, APRIL 2, 2013

The Senate met at 11 a.m.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by the Reverend Jim Walther, Jr., St. Andrew Presbyterian Church, Pinch, West Virginia.

Pending the reading of the Journal of Monday, April 1, 2013,

On motion of Senator Unger, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

At the request of Senator Unger, and by unanimous consent, the provisions of rule number fifty-four of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant James W. Spears privileges of the floor for the day.

The Senate proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2512—A Bill to amend and reenact §9-5-11 of the Code of West Virginia, 1931, as amended, all relating to state Medicaid subrogation; establishing definitions; establishing recipient assignment of subrogation rights against third parties; excluding Medicare benefits from assignment; authorizing release of information; prioritizing the department's subrogation right; establishing notice requirements for third party claims, civil actions and settlements; permitting the department to enter appearance in an action against a third party; establishing penalties for failure to notify the department; requiring consent to settle; establishing procedures for agreed allocation of award or judgment proceeds from third parties; establishing procedures when allocation is disputed; establishing procedures for jury trial; establishing post-trial payment procedures; establishing allocation of attorneys fees; prohibiting certain class actions and multiple plaintiff actions; and authorizing authority to settle.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2531—A Bill to amend and reenact §30-32-1, §30-32-2, §30-32-3, §30-32-4, §30-32-5, §30-32-6, §30-32-7, §30-32-8, §30-32-9, §30-32-10, §30-32-11, §30-32-12, §30-32-13, §30-32-14, §30-32-15, §30-32-16, §30-32-17, §30-32-18, §30-32-19, §30-32-20, §30-32-21 and §30-32-23 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto two new sections, designated §30-32-22 and §30-32-24, all relating to the Board of Examiners of Speech-Language Pathology and Audiology; setting forth unlawful acts; providing exemptions; specifying applicability of other law; providing definitions; continuing the Board of Examiners for Speech-Language Pathology and Audiology; specifying qualifications of board members; providing terms and conditions of board members' service; providing for election of board officers;

providing for compensation and expense reimbursement of board members; setting forth powers and duties of the board; providing rule-making authority; continuing the Board of Examiners for Speech-Language Pathology and Audiology Fund; providing qualifications for practicing speech-language pathology or audiology; providing for provisional licenses to practice while attaining required postgraduate professional experience; providing for waiver of requirements for persons who hold a license from another state with substantially equivalent standards; providing for practice pending disposition of application; providing scopes of practice for speech-language pathology and audiology; requiring speech-language pathology assistants and audiology assistants to register with the board; providing registration and supervision requirements for speech-language pathology assistants and audiology assistants; authorizing telepractice; providing conditions and requirements for telepractice; providing for renewal of licenses and registrations; providing for renewal of lapsed licenses and registrations; providing for the suspension, revocation and refusal to renew licenses and registrations; providing for the reinstatement of revoked licenses and registrations; authorizing actions to enjoin violations; providing for the investigation of complaints; setting forth complaint procedures and hearing procedures; establishing grounds for disciplinary actions; providing for rights of appeal and judicial review; providing that a single act is sufficient to justify disciplinary action; providing for criminal proceedings; providing for criminal penalties; and requiring the Legislative Auditor to present a report to the Joint Standing Committee on Government Organization on the requirements for Speech-Language Pathologists, Audiologists and Assistants to practice in public schools.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2550—A Bill to amend and reenact §61-8C-3 of the Code of West Virginia, 1931, as amended, relating to crimes; distribution and exhibiting of material depicting minors in sexually explicit conduct; creating an enhanced felony offense and penalty for possessing, receiving or distributing more than five hundred separate files and materials containing digital, photographed or video images depicting minors in sexually explicit conduct; providing enhanced criminal penalties when the offender was previously convicted of a sexual offense when the victim was a child; and establishing criminal penalties for second or subsequent violations.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2571—A Bill to amend and reenact §22B-3-1 of the Code of West Virginia, 1931, as amended, relating to the Environmental Quality Board; permitting individuals who receive a portion of income from state agencies, other than the Department of Environmental Protection, that hold or are applicants to hold certain environment permits to serve on the board.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2626—A Bill to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Military Affairs and Public Safety and the

procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the Department of Military Affairs and Public Safety; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Division of Protective Services to promulgate a legislative rule relating to contracted police or security services; authorizing the State Fire Commission to promulgate a legislative rule relating to the state building code; authorizing the State Fire Commission to promulgate a legislative rule relating to volunteer firefighters' training, equipment and operating standards; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law enforcement training and certification standards; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to the protocol for law enforcement response to stalking; and authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to the protocol for law enforcement response to child abuse and neglect.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2754—A Bill to amend and reenact §11-15A-1 of the Code of West Virginia, 1931, as amended,

relating to expanding the definition of a “retailer engaging in business in this state” for purposes of sales and use taxes to include any retailer that is related to, or part of a unitary business with, a person, entity or business that is a subsidiary of the retailer, or is related to, or unitary with, the retailer as a related entity, a related member or part of a unitary business that meets one of four certain additional criteria; providing illustrative examples of the term “service” for purposes of the expanded definition; and providing effective date for the change of definition.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2759—A Bill to amend and reenact §16-4C-8 of the Code of West Virginia, 1931, as amended, relating generally to standards for emergency medical service personnel; providing minimum requirements for staffing ambulances with emergency services personnel; providing that an applicant for renewal of an emergency medical service personnel certificate who is nationally certified or who has had a state certification continuously for five years is not required to take a skills exam; providing rulemaking authority for the Office of Emergency Services relating to certification and recertification of emergency services personnel; providing that no fees be charged to certify or recertify an Emergency Medical Technician - Miner.

Referred to the Committee on Government Organization.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2766—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto

a new section, designated §5-1E-6 relating to creating the “West Virginia Winner” program within the Office of Healthy Lifestyles; providing for local government entities to submit bids to host various athletic and cultural events; declaring who may participate; and establishing participation fees.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2888—A Bill to amend and reenact §8-14-7 of the Code of West Virginia, 1931, as amended, relating to policemen’s civil service commissions; authorizing commissioners to serve on other boards and commissions.

Referred to the Committee on Government Organization.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2940—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-26a, relating to regional meetings among certain officials of county boards of education; establishing purposes and limitation; requiring notice; setting forth the responsibilities of county and state education officials; soliciting input from organizations having an interest in education; requiring certain reports; and providing a process for approval of training.

At the request of Senator Unger, and by unanimous consent, the message was taken up for immediate consideration and reference of the bill to a committee dispensed with.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2966—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5G-1, §21-5G-2, and §21-5G-3, all relating to employment and privacy protection; prohibiting an employer from requesting or requiring that an employee or applicant disclose any user name, password, or other means for accessing a personal account or service through certain electronic communications devices; prohibiting an employer from taking or threatening to take, certain disciplinary actions for an employee's refusal to disclose certain password and related information; prohibiting an employer from failing or refusing to hire an applicant as a result of the applicant's refusal to disclose certain password and related information; prohibiting an employee from downloading certain unauthorized information or data to certain Web sites or Web-based accounts; and providing that an employer is not prevented from conducting certain investigations for certain purposes, including gathering information needed for compliance with mandatory state or federal regulations.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2013, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 3086—A Bill to amend and reenact §25-1-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §28-3-19, all relating to institutions managed by the Division of Corrections; transferring control of the Industrial Home for Youth to the Division of Corrections; renaming the Industrial Home for Youth as the Salem Correctional Center; and authorizing the Parkersburg Correctional Center as an institution managed by the Division of Corrections.

At the request of Senator Unger, and by unanimous consent, the message was taken up for immediate consideration and reference of the bill to a committee dispensed with.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 3104—A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing certain legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding authorization of degree granting institutions and human resources administration; and authorizing legislative rules for the Council for Community and Technical College Education regarding authorization of degree granting institutions and human resources administration.

Referred to the Committee on Education.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 3159—A Bill to amend and reenact §18-5B-10 of the Code of West Virginia, 1931, as amended, relating to excepting Monroe County Schools from compulsory attendance age law for purpose of increasing age to eighteen; and excepting Nicholas County Schools from requirement to commence compulsory attendance actions after certain maximum absences for purpose of limited absence excusal for Saturday program completion.

Referred to the Committee on Education.

The Senate proceeded to the fourth order of business.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 401, Relating to Board of Registration for Professional Engineers.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 27, 2013;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 401) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a second time and ordered to engrossment and third reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill No. 459, Relating to warranties for used motor vehicles.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 459 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to disclaimers of warranties with respect to goods which are the subject of or are intended to become the subject of a consumer transaction; modifying prohibition against exclusion, modification or limitation of any warranty or remedy; allowing waiver of warranty on used motor vehicle as to a particular defect or malfunction which dealer has disclosed; permitting as-is sale of certain used motor vehicle; establishing conditions for as-is sales of certain used motor vehicles; requiring conspicuous disclosure of as-is sale; providing that as-is sale does not waive express warranties made by dealer; establishing limits on the percentage of a dealer's inventory of used motor vehicles that may be sold to consumers as-is; prohibiting dealer sale of used motor vehicles without a valid West Virginia inspection sticker except in cases of incapacitated or total-loss vehicles where such vehicles are towed from dealer's premises; and requiring dealer to conform to federal regulations.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 459) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

The Senate proceeded to the sixth order of business.

Senators Williams, Stollings, Sypolt, Tucker and Cookman offered the following resolution:

Senate Concurrent Resolution No. 37—Requesting the Division of Highways to name the bridge over Lost River on Corridor H near Wardensville, Hardy County, West Virginia, bridge number 16-55/20-24.56, the “Army MSG 1SG Boyd ‘Doc’ Slater Memorial Bridge”.

Whereas, Boyd “Doc” Slater was born on August 1, 1930, in Winchester, Virginia, the son of the late Golda Wilkins Slater; and

Whereas, Boyd “Doc” Slater was raised in Mathias, Hardy County, and attended Hardy County public schools; and

Whereas, Boyd “Doc” Slater married Betty Funkhouser in Wardensville on June 8, 1955; and

Whereas, Boyd “Doc” Slater was a 21-year veteran of the U. S. Army, serving primarily with airborne units, flying on helicopters and working on them as a flight engineer and flight mechanic; and

Whereas, Boyd “Doc” Slater served two tours of duty in Korea and two tours of duty in Vietnam, and he was awarded two Bronze Stars and numerous other service medals, ribbons, citations and commendations during his distinguished 21-year career; and

Whereas, Boyd “Doc” Slater attained the rank of Master Sergeant First Sergeant before retiring from the Army in 1969; and

Whereas, Boyd “Doc” Slater returned home to Hardy County and began a second career with the Division of Highways, putting the mechanical and maintenance skills he had learned in the Army to good use on behalf of the State of West Virginia; and

Whereas, Boyd “Doc” Slater rose to the position of Assistant County Superintendent before retiring from the Division of Highways in 1987; and

Whereas, Boyd “Doc” Slater was active in veterans’ affairs and was a member of VFW Post 2102 in Wardensville and American Legion Post 64 in Moorefield; and

Whereas, Sadly, Boyd “Doc” Slater passed away on April 28, 2011, at the age of 80, leaving behind a wonderful legacy of service to his country and state, and having earned the love and respect of all who knew him; and

Whereas, Boyd “Doc” Slater is survived by his loving wife of fifty-five years, Betty Slater of Wardensville; three daughters, Charlotte Bowman of Wardensville, Carmen Sager of Mathias and Kathy McDaniel of Hedgesville; two grandchildren, Jennifer Sundstrom and Heather Bowman; and two great grandchildren, Elaina Bowman and Graham Sundstrom; and

Whereas, It is only fitting and proper that this bridge on Corridor H near Wardensville be named for Boyd “Doc” Slater, that we may honor his outstanding military service on behalf of a grateful nation, his dedicated service to the State of West Virginia and his many good works for the people of Hardy County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge over Lost River on Corridor H near Wardensville, Hardy County, West Virginia, bridge number 16-55/20-24.56, the “Army MSG 1SG Boyd ‘Doc’ Slater 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 “Army MSG 1SG Boyd ‘Doc’ Slater 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 Secretary of

the Department of Transportation and to Betty Slater, Charlotte Bowman, Carmen Sager and Kathy McDaniel.

Which, under the rules, lies over one day.

Senators Beach, Stollings and Plymale offered the following resolution:

Senate Concurrent Resolution No. 38—Requesting the Joint Committee on Government and Finance study the effectiveness and efficiency of the implementation of the federal Moving Ahead for Progress in the 21st Century (MAP21) program in West Virginia.

Whereas, MAP21 is a graduated licensing program which provides federal funds to states that implement certain stages and requirements for teenage drivers before they are able to obtain an unrestricted license; and

Whereas, Motor vehicle crashes continue to be the number one killer of American teens; and

Whereas, Graduated licensing programs, like MAP21, have been shown to reduce teen traffic accidents and fatalities in states which have implemented the programs; and

Whereas, The West Virginia Legislature has already adopted a graduated licensing system for its teenage drivers; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the effectiveness and efficiency of the implementation of the federal Moving Ahead for Progress in the 21st Century (MAP21) program in West Virginia; 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, 2014, on its findings, conclusions and recommendations together with drafts of any legislation necessary to effectuate its recommendations in order to make certain that West Virginia's teenage drivers are being fully and adequately protected while they gain experience and skill; 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.

Which, under the rules, lies over one day.

Senators Barnes, Kessler (Mr. President), Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost offered the following resolution:

Senate Resolution No. 52—Memorializing the life of the Honorable Ursula Jae Spears, former member of the West Virginia Senate, former member of the West Virginia House of Delegates and dedicated public servant.

Whereas, The Honorable Ursula Jae Spears was born in Latonia, Kentucky, the daughter of the late James and Sylvia Fox Marshall; and

Whereas, The Honorable Ursula Jae Spears began her career in public service in 1974, when she was elected to the West Virginia House of Delegates, one of only eight women in the 100-member chamber; and

Whereas, The Honorable Ursula Jae Spears served three terms in the West Virginia House of Delegates before being elected to the

West Virginia Senate in 1980, one of only two women at that time in the 34-member chamber; and

Whereas, Only two years into her first term in the Senate, the Honorable Ursula Jae Spears was appointed as Senate Majority Whip, making her the first woman to hold a leadership position in either house of the West Virginia Legislature; and

Whereas, From 1984 to 1986, the Honorable Ursula Jae Spears was appointed as Chair of the Senate Finance Committee, making her the first and only woman thus far to head the committee; and

Whereas, During her eighteen years of dedicated public service in the West Virginia Legislature, the Honorable Ursula Jae Spears was active in the health care field, where she sponsored and saw enacted into law the first home health care bill, and the first bills that provided help for hemophiliacs and autistic children; and

Whereas, The Honorable Ursula Jae Spears was one of three Senators who wrote the bill authorizing the Rural Health Initiative; and

Whereas, The Honorable Ursula Jae Spears was an ardent advocate for veterans and the National Guard. She authored a bill for employing and training veterans, the first such legislation in the nation, which earned her a national award from the United States Department of Labor and Veterans Affairs; and

Whereas, The Honorable Ursula Jae Spears' commitment to public service reached far beyond her time in the West Virginia Legislature, as she was active in promoting literacy for all West Virginians, advocating for protection of the family farm, and serving on numerous boards, commissions and councils to help promote and protect women and children; and

Whereas, Sadly, on March 16, 2013, the Honorable Ursula Jae Spears passed away, bringing an end to a pioneering and productive

life in public service and leaving behind a host of family and friends, as well as colleagues across the State of West Virginia, all of whom will sorely miss her; and

Whereas, The Honorable Ursula Jae Spears' contributions to the State of West Virginia will be felt by West Virginians for many generations to come, making her memory eternal throughout the state; therefore, be it

Resolved by the Senate:

That the Senate hereby memorializes the life of the Honorable Ursula Jae Spears, former member of the West Virginia Senate, former member of the West Virginia House of Delegates and dedicated public servant; and, be it

Further Resolved, That the Senate expresses its deepest sympathies to the family and friends of the Honorable Ursula Jae Spears on her passing; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the family of the Honorable Ursula Jae Spears.

At the request of Senator Barnes, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Thereafter, at the request of Senator Palumbo, and by unanimous consent, the remarks by Senator Chafin regarding the adoption of Senate Resolution No. 52 were ordered printed in the Appendix to the Journal.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

Senators Wells and Stollings offered the following resolution:

Senate Resolution No. 53—Recognizing Josh Miller for his feature documentary, “Made in the USA: The 30 Day Journey”.

Whereas, Josh Miller is a resident of Charleston, West Virginia, and is featured in the documentary, “Made in the USA: The 30 Day Journey”; and

Whereas, Josh Miller’s father-in-law was among the 650 people who lost their jobs at Century Aluminum in Ravenswood, West Virginia, which was a devastating blow to the town and became Josh’s inspiration for his journey; and

Whereas, With devastating job losses across the United States, Josh Miller explores the potential causes of these losses and searches for answers about our economy; and

Whereas, Josh Miller traveled across the country, interviewing business owners, historians and politicians, and conducted on-the-street interviews in West Virginia, California, Louisiana, Virginia, North Carolina, South Carolina, Illinois, Florida, Ohio and our nation’s capital, Washington DC; and

Whereas, Josh Miller discovered that the devastating impact the recession has had on this country can be seen in almost every town in America; and

Whereas, Over the past three decades, from June 1979 to December 2009, eight million manufacturing jobs have been lost; and

Whereas, Josh Miller found that nearly fifty-four percent of the apparel industry jobs have been lost over the past 4 1/2 years which directly effect other businesses such as cut-and-sew companies and mills; and

Whereas, These statistics show the rippling effect that the loss of manufacturing jobs has had on our country; and

Whereas, Josh Miller believes that the key to a prosperous West Virginia and United States will involve a strong emphasis on manufacturing, along with creating environments that help foster the entrepreneur; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Josh Miller for his feature documentary, “Made in the USA: The 30 Day Journey”; and, be it

Further Resolved, That the Senate supports Josh Miller in his effort to encourage Americans to buy “Made in the USA” products; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Josh Miller.

At the request of Senator Wells, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Unger, unanimous consent being granted, returned to the second order of business and the introduction of guests.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and again proceeded to the sixth order of business.

Senators Beach, Stollings, Sypolt, Williams, Prezioso, Tucker, Cookman, Plymale and Fitzsimmons offered the following resolution:

Senate Resolution No. 54—Congratulating the West Virginia University Rifle Team for winning the 2013 NCAA Rifle Championship.

Whereas, The West Virginia University Rifle Team won its nation-best 15th NCAA Championship on Saturday, March 9, 2013, with an aggregate score of 4679, at Ohio State’s Converse Hall and French Field House; and

Whereas, The West Virginia University Rifle Team’s aggregate score of 4679 was the second highest in NCAA history; and

Whereas, On the way to winning the National Championship, the West Virginia University Rifle Team also won its fourth-straight Great American Rifle Conference (GARC) title this season; and

Whereas, Coach Hammond was named the College Rifle Coaches’ Association (CRCA) Coach of the Year, his second career honor and first since 2009; and

Whereas, Petra Zublasing swept the individual titles, as she won air rifle (701.1) and smallbore (688.3). The wins brought her career NCAA title total to three, as she also won the 2012 Air Rifle Championship; and

Whereas, For her efforts, Petra Zublasing was named to the National Rifle Association (NRA) Air Rifle and Smallbore All-America First Teams; and

Whereas, In total, the West Virginia University Rifle Team scored twelve NRA All-America honors: Taylor Ciotola (air rifle and smallbore first teams), Maren Prediger (air rifle first team), Meelis Kiisk (smallbore first team, air rifle second team), Garrett Spurgeon (smallbore first team, air rifle second team), Kyanko (smallbore second team), Daniel Sojka (smallbore second team) and Patrick Sunderman (smallbore honorable mention); and

Whereas, The West Virginia University Rifle Team is a shining example to all West Virginians of what can be accomplished with hard work, dedication and commitment; and

Whereas, The West Virginia University Rifle Team is the greatest all time in NCAA history, something all West Virginians can be proud of; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the West Virginia University Rifle Team for winning the 2013 NCAA Rifle Championship; and, be it

Further Resolved, That the Senate hereby acknowledges the individual effort of each shooter and commends them for their accomplishments; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia University Rifle Team.

At the request of Senator Beach, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, and on this question, Senator Barnes demanded the yeas and nays.

The roll being taken, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. No. 54) adopted.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

Petitions

Senator Laird presented a petition from Ted Davitian and numerous West Virginia residents, supporting Senate Bill No. 59 (*Creating crossbow hunting license*).

Referred to the Committee on Natural Resources.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 36, Requesting Joint Committee on Government and Finance study impact of Common Core State Standards on public education.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Education; and then to the Committee on Rules.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 22, Requiring maternity services coverage for all health insurance plan dependents in certain circumstances.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 22) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 65, Exempting PERS retirement income of DNR police officers from state income tax.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 65) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 98, Creating Shale Research, Education, Policy and Economic Development Center at WVU.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 98) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 103, Creating WV Commuter Rail Access Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird,

McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 103) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 118, Creating I Support Veterans license plate.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Senate Bill No. 195, Removing tax rate expiration date on eligible acute care hospitals.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair–1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 195) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)–33.

The nays were: None.

Absent: Blair–1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 195) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 202, Creating WV Spay Neuter Assistance Program and Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird,

McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 202) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 324, Allowing boards licensing persons engaging in manufacture, distribution or dispensing controlled substances set fees by legislative rule.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 324) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Com. Sub. for Senate Bill No. 326, Establishing appropriation request process for higher education system.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, April 1, 2013, for amendments to be considered on third reading, was reported by the Clerk.

On motion of Senator Plymale, the following amendment to the bill was reported by the Clerk and adopted:

On page seven, section five, line seventy-eight, by striking out “2014” and inserting in lieu thereof “2015”.

The bill, as just amended, was ordered to engrossment

Engrossed Committee Substitute for Senate Bill No. 326 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Boley, Cann, Chafin, Cole, Cookman, Edgell, Fitzsimmons, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—28.

The nays were: Beach, Carmichael, Facemire, Green and D. Hall—5.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 326) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Boley, Cann, Chafin, Cole, Cookman, Edgell, Fitzsimmons, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—28.

The nays were: Beach, Carmichael, Facemire, Green and D. Hall—5.

Absent: Blair—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 326) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 421, Exempting certain school mascot from prohibition of firearms possession on school grounds.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill No. 421 pass?”

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder,

Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 421) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Carmichael, and by unanimous consent, the remarks by Senator Nohe regarding the passage of Engrossed Committee Substitute for Senate Bill No. 421 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Senate Bill No. 433, Creating informal dispute resolution process for DHHR providers or licensees.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 433) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 433) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 466,
Creating Dangerous Wild Animals Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—32.

The nays were: Sypolt–1.

Absent: Blair–1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 466) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 498, Relating to hearing location for Alcohol Beverage Control Administration's appeal hearings.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)–33.

The nays were: None.

Absent: Blair–1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 498) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire,

Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 498) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 515, Relating to use of television receivers and other devices in vehicles.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 515) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 561, Establishing Tucker County Cultural District Authority.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 561) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 561) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 582, Implementing terms of Uniform Arbitration Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—32.

The nays were: Fitzsimmons—1.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 582) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—32.

The nays were: Fitzsimmons–1.

Absent: Blair–1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 582) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Com. Sub. for Senate Bill No. 586, Transferring authority to license cosmetology, barber and massage schools to Council for Community and Technical College Education.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, April 1, 2013, for amendments to be considered on third reading, was reported by the Clerk.

On motion of Senator Stollings, the following amendment to the bill was reported by the Clerk and adopted:

On page eighteen, section twelve, line eight, after the word “school” by inserting the words “that is compliant with the board’s operational standards and requirements”.

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill No. 586 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)–33.

The nays were: None.

Absent: Blair-1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 586) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)-33.

The nays were: None.

Absent: Blair-1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 586) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 610, Renaming Industrial Home for Youth as Salem Correctional Center; placing Salem and Parkersburg correctional centers under Division of Corrections.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Senate Bill No. 623, Relating to funding for probation officers to address truancy.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 623) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 623) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 624, Adjusting penalties for willful failure to pay child support.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 624) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 630, Relating to Chief Technology Officer's duties with regard to security of government information.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird,

McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 630) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 630) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 638, Terminating certain severance tax exemption for production of natural gas or oil.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 638) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 638) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 2800, Relating to the Teachers' Retirement System.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2800) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2802, Relating to the Emergency Medical Services Retirement System.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2802) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill No. 90, Creating felony offense of DUI causing death or serious bodily injury.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 117, Creating criminal offense of possession of burglar's tools.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 344, Relating to regional meetings among certain county boards of education officials.

On second reading, coming up in regular order, was reported by the Clerk.

On motion of Senator Unger, the bill was recommitted to the Committee on Finance.

Com. Sub. for Senate Bill No. 347, Requiring Public Employees Grievance Board and Division of Personnel provide training seminars to certain persons.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Palumbo, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page two, section two-a, line seven, after the word “manner.” by inserting the following: The Public Employees Grievance Board, in conjunction with the Division of Personnel, shall also create a version of the training appropriate for teaching over the Internet and place the training on the Public Employees Grievance Board website.;

And,

On page three, section two-a, line twenty-seven, after the word “conferences” by changing the period to a colon and inserting the following proviso: *Provided*, That a newly appointed chief administrator or a newly appointed person who conducts level one hearings and conferences may conduct a level one hearing or conference if, prior to the level one hearing or conference, the person both completes the online version of the training authorized by subsection (a) of this section and agrees to complete the full training the next time the full training is offered.

The bill (Com. Sub. for S. B. No. 347), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 355, Relating to final wage payment to discharged employees.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Carmichael, the following amendment to the bill was reported by the Clerk:

On page two, section four-b, lines eleven and twelve, by striking out the words “or four business days, whichever comes first”.

The question being on the adoption of Senator Carmichael's amendment to the bill, the same was put and did not prevail.

The bill (Com. Sub. for S. B. No. 355) was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 363, Implementing purchasing reforms.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 365, Relating to certain criminal conviction expungement.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill No. 378, Adjusting population line for calculating certain magistrate and staff salaries.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 403, Relating to judicial retirement system contribution rates.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Pensions, was reported by the Clerk and adopted:

On page four, section four, after line forty-six, by inserting a new subsection, designated subsection (c), to read as follows:

(c) On or after July 1, 2013, and each year thereafter, the annual actuarial valuation prepared by the State Actuary for determination of all participants' contributions and the annual actuarially required contribution prepared by the State Actuary for use by the courts of this state for legislative appropriation shall be provided to the Legislature's Joint Committee on Government and Finance and the Joint Committee on Pensions and Retirement.;

And,

By relettering the remaining subsections.

The bill (S. B. No. 403), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill No. 426, Relating to filings under Uniform Commercial Code as to secured transactions.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill No. 437, Regulating commercial dog-breeding operations.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 451, Clarifying when carbon monoxide detector is required.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill No. 454, Relating to taxation of alternative motor fuels.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 458, Permitting PEIA health plans to operate on calendar-year basis.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 474, Clarifying when deposits are presumed abandoned for unclaimed property purposes.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 478, Redefining “video lottery games”; permitting wagering by historic resort hotel employees.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 490, Creating Equine Facilities and Care Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 492, Authorizing rural resort community as limited gaming facility.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on Finance, were reported by the Clerk, considered simultaneously, and adopted:

On page twelve, section two, line one hundred forty-eight, after the word “contiguous” by inserting the words “or adjacent”;

On page thirteen, section two, line one hundred sixty, by striking out “\$80” and inserting in lieu thereof “\$60”;

On page thirteen, section two, line one hundred sixty-four, by striking out the word “adequate” and inserting in lieu thereof the word “inadequate”;

And,

On page fourteen, section two, line one hundred seventy, by striking out the word “within” and inserting in lieu thereof the word “from”.

The bill (Com. Sub. for S. B. No. 492), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 493, Providing standards for converting and retrofitting motor vehicles to alternative fuels.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 504, Relating to cooperative associations.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 509, Imposing statutory liens on certain fire insurance proceeds.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill No. 521, Creating amnesty program for certain drivers with suspended or revoked licenses.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 580, Updating requirements for dental intern, resident and teaching permits.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 594, Establishing Court of Claims procedure for unjust arrest, conviction or imprisonment claims.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 599, Expanding number of hours temporary state personnel may work.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 656, Establishing special study committee to assess problems facing gaming industry.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 664, Decreasing appropriations of public moneys in State Fund, General Revenue.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

Eng. Com. Sub. for House Bill No. 2923, Relating to directors of state-chartered banking institutions.

On first reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

At the request of Senator Miller, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate recessed until 4:30 p.m. today.

Upon expiration of the recess, the Senate reconvened and again proceeded to the fourth order of business.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 444, Relating to higher education generally.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 28, 2013;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 444) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a second time and ordered to engrossment and third reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill No. 481, Relating to juvenile mental health treatment.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on March 29, 2013;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 481) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

On page five, section one, lines five and six, by striking out the words “of persons eighteen years of age or older”.

The bill (Com. Sub. for S. B. No. 481), as amended, was then ordered to engrossment and third reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 615, Amending table game license renewal fee for pari-mutuel racetracks.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 29, 2013;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 615) contained in the preceding report from the Committee on Finance was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §29-22-18f; that §29-22A-10 of said code be amended and reenacted; and that §29-22C-8 of said code be amended and reenacted, all to read as follows:

ARTICLE 22. STATE LOTTERY ACT.

§29-22-18f. Creating the Lottery Administrative Reserve Fund; distribution of reserve funds.

(a) A Lottery Administrative Reserve Fund is created within the Lottery Fund. For the fiscal year ending on June 30, 2013, only, the commission shall deposit a total of \$4 million, to be considered as part of its actual costs and expenses, in proportions determined in the sole discretion of the commission, from amounts distributed according to subsection (d), section eighteen of this article, subdivision (1), subsection (b), section ten, article twenty-two-a of this chapter, subdivision (1), subsection (a), section 1408, article twenty-two-b of this chapter and subsection (e), section twenty-two, article twenty-five of this chapter.

(b) For the fiscal year beginning July 1, 2013, only, the commission shall transfer \$4 million from the Lottery Administrative Reserve Fund to the Community Based Service Fund in the State Treasury.

ARTICLE 22A. RACETRACK VIDEO LOTTERY ACT.

§29-22A-10. Accounting and reporting; commission to provide communications protocol data; distribution of net terminal income; remittance through electronic transfer of funds; establishment of accounts and nonpayment penalties; commission control of accounting for net terminal income; settlement of accounts;

manual reporting and payment may be required; request for reports; examination of accounts and records.

(a) The commission shall provide to manufacturers, or applicants applying for a manufacturer's permit, the protocol documentation data necessary to enable the respective manufacturer's video lottery terminals to communicate with the commission's central computer for transmitting auditing program information and for activation and disabling of video lottery terminals.

(b) The gross terminal income of a licensed racetrack shall be remitted to the commission through the electronic transfer of funds. Licensed racetracks shall furnish to the commission all information and bank authorizations required to facilitate the timely transfer of moneys to the commission. Licensed racetracks must provide the commission thirty days' advance notice of any proposed account changes in order to assure the uninterrupted electronic transfer of funds. From the gross terminal income remitted by the licensee to the commission:

(1) The commission shall deduct an amount sufficient to reimburse the commission for its actual costs and expenses incurred in administering racetrack video lottery at the licensed racetrack ~~and the~~. The resulting amount after the deduction is the net terminal income. The amount deducted for administrative costs and expenses of the commission may not exceed four percent of gross terminal income: Provided, That any amounts deducted by the commission for its actual costs and expenses that exceeds its actual costs and expenses shall be deposited into the State Lottery Fund. For the fiscal years ending June 30, 2011, through June 30, 2020, the term "actual costs and expenses" may include transfers of up to \$10 million in surplus allocations for each fiscal year, as calculated by the commission when it has closed its books for the fiscal year, to the Licensed Racetrack Modernization Fund created by subdivision (2), subsection (b) of this section. For all fiscal years beginning on or after July 1, 2001, the commission shall

not receive an amount of gross terminal income in excess of the amount of gross terminal income received during the fiscal year ending on June 30, 2001, but four percent of any amount of gross terminal income received in excess of the amount of gross terminal income received during the fiscal year ending on June 30, 2001, shall be deposited into the fund established in section eighteen-a, article twenty-two of this chapter; and

(2) A Licensed Racetrack Modernization Fund is created within the Lottery Fund. For all fiscal years beginning on or after July 1, 2011, and ending with the fiscal year beginning July 1, 2020, the commission shall deposit such amounts as are available according to subdivision (1), subsection (b) of this section into a separate facility modernization account maintained within the Licensed Racetrack Modernization Fund for each racetrack. Each racetrack's share of each year's deposit shall be calculated in the same ratio as each racetrack's apportioned contribution to the four percent administrative costs and expenses allowance provided for in subdivision (1), subsection (b) of this section for that year. For each \$2 expended by a licensed racetrack for facility modernization improvements at the racetrack, having a useful life of three or more years and placed in service after July 1, 2011, the licensed racetrack shall receive \$1 in recoupment from its facility modernization account. If the licensed racetrack's facility modernization account contains a balance in any fiscal year, the unexpended balance from that fiscal year will be available for matching for one additional fiscal year, after which time the remaining unused balance carried forward shall revert to the Lottery Fund. For purposes of this section, the term "facility modernization improvements" includes acquisitions of new and unused video lottery terminals and related equipment. Video lottery terminals financed through the recoupment provided in this subdivision must be retained by the licensee in its West Virginia licensed location for a period of not less than five years from the date of initial installation.

(c) The amount resulting after the deductions required by subsection (b) of this section constitutes net terminal income that

shall be divided as set out in this subsection. For all fiscal years beginning on or after July 1, 2001, any amount of net terminal income received in excess of the amount of net terminal income received during the fiscal year ending on June 30, 2001, shall be divided as set out in section ten-b of this article. The licensed racetrack's share is in lieu of all lottery agent commissions and is considered to cover all costs and expenses required to be expended by the licensed racetrack in connection with video lottery operations. The division shall be made as follows:

(1) The commission shall receive thirty percent of net terminal income, which shall be paid into the State Lottery Fund as provided in section ten-a of this article;

(2) Until July 1, 2005, fourteen percent of net terminal income at a licensed racetrack shall be deposited in the special fund established by the licensee, and used for payment of regular purses in addition to other amounts provided for in article twenty-three, chapter nineteen of this code, on and after July 1, 2005, the rate shall be seven percent of net terminal income;

(3) The county where the video lottery terminals are located shall receive two percent of the net terminal income: *Provided, That:*

(A) Beginning July 1, 1999, and thereafter, any amount in excess of the two percent received during the fiscal year 1999 by a county in which a racetrack is located that has participated in the West Virginia Thoroughbred Development Fund since on or before January 1, 1999, shall be divided as follows:

(i) The county shall receive fifty percent of the excess amount; and

(ii) The municipalities of the county shall receive fifty percent of the excess amount, said fifty percent to be divided among the municipalities on a per capita basis as determined by the most recent decennial United States census of population; and

(B) Beginning July 1, 1999, and thereafter, any amount in excess of the two percent received during the fiscal year 1999 by a county in which a racetrack other than a racetrack described in paragraph (A) of this proviso is located and where the racetrack has been located in a municipality within the county since on or before January 1, 1999, shall be divided, if applicable, as follows:

(i) The county shall receive fifty percent of the excess amount; and

(ii) The municipality shall receive fifty percent of the excess amount; and

(C) This proviso shall not affect the amount to be received under this subdivision by any other county other than a county described in paragraph (A) or (B) of this proviso;

(4) One percent of net terminal income shall be paid for and on behalf of all employees of the licensed racing association by making a deposit into a special fund to be established by the Racing Commission to be used for payment into the pension plan for all employees of the licensed racing association;

(5) The West Virginia Thoroughbred Development Fund created under section thirteen-b, article twenty-three, chapter nineteen of this code and the West Virginia Greyhound Breeding Development Fund created under section ten of said article shall receive an equal share of a total of not less than one and one-half percent of the net terminal income;

(6) The West Virginia Racing Commission shall receive one percent of the net terminal income which shall be deposited and used as provided in section thirteen-c, article twenty-three, chapter nineteen of this code.

(7) A licensee shall receive forty-six and one-half percent of net terminal income.

(8)(A) The Tourism Promotion Fund established in section twelve, article two, chapter five-b of this code shall receive three percent of the net terminal income: *Provided*, That for the fiscal year beginning July 1, 2003, the tourism commission shall transfer from the Tourism Promotion Fund \$5 million of the three percent of the net terminal income described in this section and section ten-b of this article into the fund administered by the West Virginia Economic Development Authority pursuant to section seven, article fifteen, chapter thirty-one of this code, \$5 million into the Capitol Renovation and Improvement Fund administered by the Department of Administration pursuant to section six, article four, chapter five-a of this code and \$5 million into the Tax Reduction and Federal Funding Increased Compliance Fund; and

(B) Notwithstanding any provision of paragraph (A) of this subdivision to the contrary, for each fiscal year beginning after June 30, 2004, this three percent of net terminal income and the three percent of net terminal income described in paragraph (B), subdivision (8), subsection (a), section ten-b of this article shall be distributed as provided in this paragraph as follows:

(i) 1.375 percent of the total amount of net terminal income described in this section and in section ten-b of this article shall be deposited into the Tourism Promotion Fund created under section twelve, article two, chapter five-b of this code;

(ii) 0.375 percent of the total amount of net terminal income described in this section and in section ten-b of this article shall be deposited into the Development Office Promotion Fund created under section three-b, article two, chapter five-b of this code;

(iii) 0.5 percent of the total amount of net terminal income described in this section and in section ten-b of this article shall be deposited into the Research Challenge Fund created under section ten, article one-b, chapter eighteen-b of this code;

(iv) 0.6875 percent of the total amount of net terminal income described in this section and in section ten-b of this article shall be deposited into the Capitol Renovation and Improvement Fund administered by the Department of Administration pursuant to section six, article four, chapter five-a of this code; and

(v) 0.0625 percent of the total amount of net terminal income described in this section and in section ten-b of this article shall be deposited into the 2004 Capitol Complex Parking Garage Fund administered by the Department of Administration pursuant to section five-a, article four, chapter five-a of this code;

(9) (A) On and after July 1, 2005, seven percent of net terminal income shall be deposited into the Workers' Compensation Debt Reduction Fund created in section five, article two-d, chapter twenty-three of this code: *Provided*, That in any fiscal year when the amount of money generated by this subdivision totals \$11 million, all subsequent distributions under this subdivision shall be deposited in the special fund established by the licensee and used for the payment of regular purses in addition to the other amounts provided in article twenty-three, chapter nineteen of this code;

(B) The deposit of the seven percent of net terminal income into the Worker's Compensation Debt Reduction Fund pursuant to this subdivision shall expire and not be imposed with respect to these funds and shall be deposited in the special fund established by the licensee and used for payment of regular purses in addition to the other amounts provided in article twenty-three, chapter nineteen of this code, on and after the first day of the month following the month in which the Governor certifies to the Legislature that: (i) The revenue bonds issued pursuant to article two-d, chapter twenty-three of this code, have been retired or payment of the debt service provided for; and (ii) that an independent certified actuary has determined that the unfunded liability of the old fund, as defined in chapter twenty-three of this code, has been paid or provided for in its entirety; and

(10) The remaining one percent of net terminal income shall be deposited as follows:

(A) For the fiscal year beginning July 1, 2003, the veterans memorial program shall receive one percent of the net terminal income until sufficient moneys have been received to complete the veterans memorial on the grounds of the State Capitol Complex in Charleston, West Virginia. The moneys shall be deposited in the State Treasury in the Division of Culture and History special fund created under section three, article one-i, chapter twenty-nine of this code: *Provided*, That only after sufficient moneys have been deposited in the fund to complete the veterans memorial and to pay in full the annual bonded indebtedness on the veterans memorial, not more than \$20,000 of the one percent of net terminal income provided in this subdivision shall be deposited into a special revenue fund in the State Treasury, to be known as the John F. "Jack" Bennett Fund. The moneys in this fund shall be expended by the ~~Division of Veterans' Affairs~~ Department of Veterans' Assistance to provide for the placement of markers for the graves of veterans in perpetual cemeteries in this state. The ~~Division of Veterans' Affairs~~ Department of Veterans' Assistance shall promulgate legislative rules pursuant to the provisions of article three, chapter twenty-nine-a of this code specifying the manner in which the funds are spent, determine the ability of the surviving spouse to pay for the placement of the marker and setting forth the standards to be used to determine the priority in which the veterans grave markers will be placed in the event that there are not sufficient funds to complete the placement of veterans grave markers in any one year, or at all. Upon payment in full of the bonded indebtedness on the veterans memorial, \$100,000 of the one percent of net terminal income provided in this subdivision shall be deposited in the special fund in the Division of Culture and History created under section three, article one-i, chapter twenty-nine of this code and be expended by the Division of Culture and History to establish a West Virginia veterans memorial archives within the Cultural Center to serve as a repository for the documents and records pertaining to the veterans memorial, to restore and maintain the monuments and memorial

on the Capitol grounds: *Provided, however,* That \$500,000 of the one percent of net terminal income shall be deposited in the State Treasury in a special fund of the Department of Administration, created under section five, article four, chapter five-a of this code, to be used for construction and maintenance of a parking garage on the State Capitol Complex; and the remainder of the one percent of net terminal income shall be deposited in equal amounts in the Capitol Dome and Improvements Fund created under section two, article four, chapter five-a of this code and Cultural Facilities and Capitol Resources Matching Grant Program Fund created under section three, article one of this chapter.

(B) For each fiscal year beginning after June 30, 2004:

(i) Five hundred thousand dollars of the one percent of net terminal income shall be deposited in the State Treasury in a special fund of the Department of Administration, created under section five, article four, chapter five-a of this code, to be used for construction and maintenance of a parking garage on the State Capitol Complex; and

(ii) The remainder of the one percent of net terminal income and all of the one percent of net terminal income described in paragraph (B), subdivision ~~(9)~~ (10), subsection (a), section ten-b of this article shall be distributed as follows: The net terminal income shall be deposited in equal amounts into the Capitol Dome and Capitol Improvements Fund created under section two, article four, chapter five-a of this code and the Cultural Facilities and Capitol Resources Matching Grant Program Fund created under section three, article one, chapter twenty-nine of this code until a total of \$1,500,000 is deposited into the Cultural Facilities and Capitol Resources Matching Grant Program Fund; thereafter, the remainder shall be deposited into the Capitol Dome and Capitol Improvements Fund.

(d) Each licensed racetrack shall maintain in its account an amount equal to or greater than the gross terminal income from its operation of video lottery machines, to be electronically transferred

by the commission on dates established by the commission. Upon a licensed racetrack's failure to maintain this balance, the commission may disable all of a licensed racetrack's video lottery terminals until full payment of all amounts due is made. Interest shall accrue on any unpaid balance at a rate consistent with the amount charged for state income tax delinquency under chapter eleven of this code. The interest shall begin to accrue on the date payment is due to the commission.

(e) The commission's central control computer shall keep accurate records of all income generated by each video lottery terminal. The commission shall prepare and mail to the licensed racetrack a statement reflecting the gross terminal income generated by the licensee's video lottery terminals. Each licensed racetrack shall report to the commission any discrepancies between the commission's statement and each terminal's mechanical and electronic meter readings. The licensed racetrack is solely responsible for resolving income discrepancies between actual money collected and the amount shown on the accounting meters or on the commission's billing statement.

(f) Until an accounting discrepancy is resolved in favor of the licensed racetrack, the commission may make no credit adjustments. For any video lottery terminal reflecting a discrepancy, the licensed racetrack shall submit to the commission the maintenance log which includes current mechanical meter readings and the audit ticket which contains electronic meter readings generated by the terminal's software. If the meter readings and the commission's records cannot be reconciled, final disposition of the matter shall be determined by the commission. Any accounting discrepancies which cannot be otherwise resolved shall be resolved in favor of the commission.

(g) Licensed racetracks shall remit payment by mail if the electronic transfer of funds is not operational or the commission notifies licensed racetracks that remittance by this method is required. The licensed racetracks shall report an amount equal to

the total amount of cash inserted into each video lottery terminal operated by a licensee, minus the total value of game credits which are cleared from the video lottery terminal in exchange for winning redemption tickets, and remit the amount as generated from its terminals during the reporting period. The remittance shall be sealed in a properly addressed and stamped envelope and deposited in the United States mail no later than noon on the day when the payment would otherwise be completed through electronic funds transfer.

(h) Licensed racetracks may, upon request, receive additional reports of play transactions for their respective video lottery terminals and other marketing information not considered confidential by the commission. The commission may charge a reasonable fee for the cost of producing and mailing any report other than the billing statements.

(i) The commission has the right to examine all accounts, bank accounts, financial statements and records in a licensed racetrack's possession, under its control or in which it has an interest and the licensed racetrack shall authorize all third parties in possession or in control of the accounts or records to allow examination of any of those accounts or records by the commission.

ARTICLE 22C. WEST VIRGINIA LOTTERY RACETRACK TABLE GAMES ACT.

§29-22C-8. License to operate a racetrack with West Virginia Lottery table games.

(a) *Racetrack table games licenses.* – The commission may issue up to four racetrack table games licenses to operate West Virginia Lottery table games in accordance with the provisions of this article. The Legislature intends that no more than four licenses to operate a racetrack with West Virginia Lottery table games in this state shall be permitted in any event.

(b) *Grant of license.* – Upon the passage of a local option election in a county in accordance with the provisions of section seven of this article, the commission shall immediately grant a West Virginia Lottery table games license, and a license for the right to conduct West Virginia Lottery table games as assignee to the intellectual property rights of the state, to allow the licensee to conduct West Virginia table games at the licensed pari-mutuel racetrack identified on the local option election ballot, provided that racetrack holds a valid racetrack video lottery license issued by the commission pursuant to article twenty-two-a of this chapter and a valid racing license granted by the West Virginia Racing Commission pursuant to the provision of article twenty-three, chapter nineteen of this code and has otherwise met the requirements for licensure under the provisions of this article and the rules of the commission.

(c) *Location.* – A racetrack table games license authorizes the operation of West Virginia Lottery table games on the grounds of the particular licensed facility identified in the racetrack video lottery license issued pursuant to article twenty-two-a and the license to conduct horse or dog racing issued pursuant to article twenty-three, chapter nineteen of this code.

(d) *Floor plan submission requirement.* – Prior to commencing the operation of any table games in a designated gaming area, a racetrack table games licensee shall submit to the commission for its approval a detailed floor plan depicting the location of the designated gaming area in which table games gaming equipment will be located and its proposed arrangement of the table games gaming equipment. Any floor plan submission that satisfies the requirements of the rules promulgated by the commission shall be considered approved by the commission unless the racetrack table games licensee is notified in writing to the contrary within one month of filing a detailed floor plan.

(e) *Management service contracts.* –

(1) *Approval.* – A racetrack table games licensee may not enter into any management service contract that would permit any person other than the licensee to act as the commission’s agent in operating West Virginia Lottery table games unless the management service contract is: (A) With a person licensed under this article to provide management services; (B) is in writing; and (C) the contract has been approved by the commission.

(2) *Material change.* – The licensed racetrack table games licensee shall submit any material change in a management service contract previously approved by the commission to the commission for its approval or rejection before the material change may take effect.

(3) *Prohibition on assignment or transfer.* – A management services contract may not be assigned or transferred to a third party.

(4) *Other commission approvals and licenses.* – The duties and responsibilities of a management services provider under a management services contract may not be assigned, delegated, subcontracted or transferred to a third party to perform without the prior approval of the commission. Third parties must be licensed under this article before providing service. The commission may by rule clarify application of this subdivision and provide exceptions to its application. The commission shall license and require the display of West Virginia Lottery game logos on appropriate game surfaces and other gaming items and locations as the commission considers appropriate.

(f) *Coordination of licensed activities.* – In order to coordinate various licensed activities within racetrack facilities, the following provisions apply to licensed racetrack facilities:

(1) The provisions of this article and of article twenty-two-a of this chapter shall be interpreted to allow West Virginia Lottery table games and racetrack video lottery operations under those articles to be harmoniously conducted in the same designated gaming area.

(2) On the effective date of this article, the provisions of section twenty-three of this article apply to all video lottery games conducted within a racetrack facility, notwithstanding any inconsistent provisions contained in article twenty-two-a of this chapter to the contrary.

(3) On and after the effective date of this article, vacation of the premises after service of beverages ceases is not required, notwithstanding to the contrary any inconsistent provisions of this code or inconsistent rules promulgated by the Alcohol Beverage Control Commissioner with respect to hours of sale of those beverages, or required vacation of the premises.

(g) Fees, *expiration date and renewal.* –

(1) An initial racetrack table games license fee of \$1,500,000 shall be paid to the commission at the time of issuance of the racetrack table games license, regardless of the number of months remaining in the license year for which it is issued. All licenses expire at the end of the day on June 30 each year.

(2) The commission shall annually renew a racetrack table games license as of July 1, of each year provided the licensee:

(A) Successfully renews its racetrack video lottery license under article twenty-two-a of this chapter before July 1;

(B) Pays to the commission the annual license renewal fee of \$2,500,000 required by this section at the time it files its application for renewal of its license under article twenty-two-a of this chapter: Provided, That only for the license year beginning July 1, 2013, the annual license renewal fee shall be \$1,500,000; and

(C) During the current license year, the licensee complied with all provisions of this article, all rules adopted by the commission and all final orders of the commission applicable to the licensee.

(3) *Annual license surcharge for failure to construct hotel on premises.* – It is the intent of the Legislature that each racetrack for which a racetrack table games license has been issued be or become a destination tourism resort facility. To that end, it is important that each racetrack for which a racetrack table games license has been issued operate a hotel with significant amenities. Therefore, in addition to all other taxes and fees required by the provisions of this article, there is hereby imposed, upon each racetrack for which a racetrack table games license has been issued an annual license surcharge, payable to the commission in the amount of \$2,500,000 if that racetrack does not operate a hotel on its racing property that contains at least one hundred fifty guest rooms with significant amenities within three years of the passage of the local option election in its county authorizing table games at the racetrack, provided the time for completion of the hotel shall be extended by the same number of days as the completion of the hotel is delayed by a force majeure events or conditions beyond the reasonable control of the racetrack licensee. The surcharge shall be paid upon each renewal of its racetrack table games license made after the expiration of the three year period, and may be extended by the above force majeure events or conditions, until the racetrack opens a qualifying hotel.

(4) If the licensee fails to apply to renew its license under article twenty-three, chapter nineteen and article twenty-two-a, chapter twenty-nine of this code until after the license expires, the commission shall renew its license under this article at the time it renews its license under article twenty-two-a of this chapter provided the licensee has paid the annual license fee required by this section and during the preceding license year the licensee complied with all provisions of this article, all rules adopted by the commission and all final orders of the commission applicable to the licensee.

(h) *Facility qualifications.* – A racetrack table games licensee shall demonstrate that the racetrack with West Virginia Lottery table games will: (1) Be accessible to disabled individuals in

accordance with applicable federal and state laws; (2) be licensed in accordance with this article, and all other applicable federal, state and local laws; and (3) meet any other qualifications specified in rules adopted by the commission.

(i) *Surety bond.* – A racetrack table games licensee shall execute a surety bond to be given to the state to guarantee the licensee faithfully makes all payments in accordance with the provisions of this article and rules promulgated by the commission. The surety bond shall be:

(1) In the amount determined by the commission to be adequate to protect the state against nonpayment by the licensee of amounts due the state under this article;

(2) In a form approved by the commission; and

(3) With a surety approved by the commission who is licensed to write surety insurance in this state. The bond shall remain in effect during the term of the license and may not be canceled by a surety on less than thirty days' notice in writing to the commission. The total and aggregate liability of the surety on the bond is limited to the amount specified in the bond.

(j) *Authorization.* – A racetrack table games license authorizes the licensee act as an agent of the commission in operating an unlimited amount of West Virginia Lottery table games while the license is active, subject to subsection (d) of this section. A racetrack table games license is not transferable or assignable and cannot be sold or pledged as collateral.

(k) *Audits.* – When applying for a license and annually thereafter prior to license renewal, a racetrack table games licensee shall submit to the commission an annual audit, by a certified public accountant, of the financial transactions and condition of the licensee's total operations. The audit shall be made in accordance

with generally accepted accounting principles and applicable federal and state laws.

(l) *Commission office space.* – A racetrack table games licensee shall provide to the commission, at no cost to the commission, suitable office space at the racetrack facility for the commission to perform the duties required of it by this article and the rules of the commission.

Following discussion,

The question being on the adoption of the Finance committee amendment to the bill (Eng. Com. Sub. for S. B. No. 615), and on this question, Senator Carmichael demanded the yeas and nays.

The roll being taken, the yeas were: Beach, Cann, Chafin, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—24.

The nays were: Blair, Boley, Carmichael, Cole, M. Hall, Nohe, Sypolt and Walters—8.

Absent: Barnes and Jenkins—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the Finance committee amendment to the bill adopted.

The bill (Com. Sub. for S. B. No. 615), as amended, was then ordered to engrossment and third reading.

On motion of Senator Unger, the Senate adjourned until tomorrow, Wednesday, April 3, 2013, at 10 a.m.

WEDNESDAY, APRIL 3, 2013

The Senate met at 10 a.m.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by Bishop Sandra Steiner Ball, West Virginia Conference of the United Methodist Church, Charleston, West Virginia.

Pending the reading of the Journal of Tuesday, April 2, 2013,

On motion of Senator Yost, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2716—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Fairness in Competitive Bidding Act; defining “state spending units”; lowering the threshold amount from \$500,000 to \$250,000 for triggering a low bidder’s duty to submit a list of subcontractors on state spending unit contracts; and to further modify reporting for the subcontractor list.

Referred to the Committee on Labor; and then to the Committee on Government Organization.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2013, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2727—A Bill to amend and reenact §18-9A-7 and §18-9A-8a of the Code of West Virginia, 1931, as amended, all relating to the school aid formula generally; adjusting the foundation school program allowance for transportation costs by restricting the ten percent additional percentage allowance for alternative fuel vehicles to school buses using compressed natural gas; providing for phased reduction of additional percentage for bio-diesel as an alternative fuel; and adjusting the foundation allowance by reducing the maximum allocation for regional education service agencies.

Referred to the Committee on Education; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2866—A Bill to amend and reenact §20-2-58 of the Code of West Virginia, 1931, as amended, relating to the prohibited discharge of firearms in proximity to buildings, public roads and crowds; providing a limited and conditional exception to allow a resident of a dwelling house, and his or her authorized guest, to discharge a firearm in a lawful manner within five hundred feet of the dwelling house where the resident lives, subject to certain conditions; conditions giving rise to exception; increasing the distance between where a person is permitted to discharge a firearm in relation to a school or church; and establishing misdemeanor criminal penalties for violations.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2954—A Bill to amend and reenact §22A-11-2 of the Code of West Virginia, 1931, as amended, relating to

requiring that members of the Mine Safety Technology Task Force are paid the same compensation as members of the Legislature are paid for each day or portion thereof engaged in the discharge of their interim duties.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2979—A Bill to amend and reenact §31-15C-2, §31-15C-4, §31-15C-8, §31-15C-9 and §31-15C-10 of the Code of West Virginia, 1931, as amended, all relating to the actions of the broadband deployment council generally; modifying the minimum data rates and other components of the definition of the terms “broadband” and “broadband service”; modifying and adding other definitions; requiring annual reports to the Legislature; providing that the council’s public outreach and education efforts extend beyond unserved areas; revising the council’s guidelines on requests for funding assistance; requiring projects for broadband service involving the construction of a network to meet the revised definition of “broadband service” and “broadband” before being approved; revising the criteria for funding assistance applications; modifying the application process for project assistance; and revising notice and publication requirements.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 3043—A Bill to amend and reenact §11-13BB-3 of the Code of West Virginia, 1931, as amended, relating

to including methane monitoring equipment as eligible safety equipment for tax credit purposes.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 3065—A Bill to transfer land located in the Western District, Taylor County, West Virginia, from the State of West Virginia to the Taylor County Commission for the use and benefit of the county commission for the purpose of developing a youth recreational complex.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Government Organization.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 3135—A Bill to amend and reenact §3-4A-2, §3-4A-8, §3-4A-23 and §3-4A-27 of the Code of West Virginia, 1931, as amended, all relating generally to electronic voting systems; updating and clarifying the definitions related to electronic voting systems; updating language related to approval of electronic voting systems; correcting internal references; updating and clarifying language related to proceedings at the central counting center.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 3145—A Bill to amend and reenact §11-16-9 of the Code of West Virginia, 1931, as amended, relating to sales of nonintoxicating beer; and removing the existing maximum quantities of beer that retailers can sell for off premises consumption.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 3160—A Bill to amend and reenact §18-5-11 of the Code of West Virginia, 1931, as amended; to further amend said code by adding thereto a new section, designated §18-5-11a; and to further amend said code by adding thereto a new section, designated §18-5A-2a; all relating to joint establishment, maintenance and operation of school by two or more adjoining counties; requiring formal agreement for apportionment of acquisition costs; providing for operating costs; providing net enrollment adjustment for certain costs; providing for joint governing partnership board pilot initiative; making findings with respect to pilot initiative and purpose; establishing limitation and condition; providing features of partnership board; authorizing adoption of separate and requests of waivers; providing for modifications to local school improvement council membership for jointly established school; providing for modifications to local school improvement council membership for jointly attended school under certain conditions; and aligning authority of improvement council for proposing alternatives and requesting waivers.

Referred to the Committee on Education.

The Senate proceeded to the sixth order of business.

Senators Chafin, Blair, Carmichael, Cole, Green, D. Hall, McCabe, Miller, Walters, Stollings and Unger offered the following resolution:

Senate Concurrent Resolution No. 39—Requesting the Joint Committee on Government and Finance study West Virginia’s tax system including, but not limited to, personal income tax as the state’s largest revenue generator and its deterrent effect on residents from leaving the state and an inducement for others to relocate to West Virginia.

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study West Virginia’s tax system including, but not limited to, personal income tax as the state’s largest revenue generator and its deterrent effect on residents from leaving the state and an inducement for others to relocate to West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

Which, under the rules, lies over one day.

Senators M. Hall, Barnes, Blair, Boley, Carmichael, Cole, Sypolt and Walters offered the following resolution:

Senate Concurrent Resolution No. 40—Requesting the Joint Committee on Government and Finance study the Taxpayer Bill of Rights adopted by other states throughout the United States and develop a comprehensive West Virginia Taxpayer Bill of Rights.

Whereas, The West Virginia Legislature recognizes the critical impact of taxes on economic development in West Virginia; and

Whereas, States throughout the United States have formalized their commitment to taxpayers and business owners by developing an easily comprehensible Taxpayer Bill of Rights that embodies the simultaneous goals of funding government services and alerting taxpayers to their rights; and

Whereas, Future economic development in West Virginia depends on the state's ability to compete on all fronts with other states throughout the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the Taxpayer Bill of Rights adopted by other states throughout the United States and develop a comprehensive West Virginia Taxpayer Bill of Rights; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

Which, under the rules, lies over one day.

Senators Miller, Laird, Stollings, Jenkins, Cole, Carmichael, D. Hall, Unger, Kessler (Mr. President), Yost, Williams, Plymale, McCabe and Fitzsimmons offered the following resolution:

Senate Resolution No. 55—Recognizing the West Virginia School of Osteopathic Medicine for excellence in medical education and its many contributions to the State of West Virginia.

Whereas, The West Virginia School of Osteopathic Medicine is located in Lewisburg, West Virginia; and

Whereas, The mission of the West Virginia School of Osteopathic Medicine is to educate students from diverse backgrounds as lifelong learners in osteopathic medicine and complementary health-related programs; to advance scientific knowledge through academic, clinical and basic science research; and to promote patient-centered, evidence-based medicine; and

Whereas, The West Virginia School of Osteopathic Medicine is dedicated to serving, first and foremost, the State of West Virginia and the special health care needs of its residents, emphasizing primary care in rural areas; and

Whereas, The West Virginia School of Osteopathic Medicine is a leader in producing graduates who practice in rural settings and has a nationally recognized faculty and innovative programs; and

Whereas, *U. S. News & World Report* has ranked the West Virginia School of Osteopathic Medicine among the top medical schools in the nation in primary care and family medicine for the past fourteen years, solidifying the school's reputation as a place where scientific study and compassion are joined in one curriculum; and

Whereas, The West Virginia School of Osteopathic Medicine is known nationwide for its efforts in rural, family and primary care medicine and has received many accolades to support its efforts, including: First in the nation for graduating primary care physicians who practice in rural Appalachia (*Academic Medicine*, April 2012); third in the nation for percentage of medical school graduates entering primary care specialties (*U. S. News & World*

Report); twelfth in the nation for percentage of graduates entering rural medicine (*U. S. News & World Report*); and twelfth in the nation for percentage of graduates entering family medicine (*U. S. News & World Report*); and

Whereas, Graduates of the West Virginia School of Osteopathic Medicine practice medicine in forty-seven states and the District of Columbia, and in forty-six of West Virginia's fifty-five counties; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the West Virginia School of Osteopathic Medicine for excellence in medical education and its many contributions to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia School of Osteopathic Medicine.

At the request of Senator Unger, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

Senate Concurrent Resolution No. 37, Requesting DOH name bridge in Hardy County "Army MSG 1SG Boyd 'Doc' Slater Memorial Bridge".

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution No. 38, Requesting Joint Committee on Government and Finance study Moving Ahead for Progress in 21st Century program.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure; and then to the Committee on Rules.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 90, Creating felony offense of DUI causing death or serious bodily injury.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 90) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 117, Creating criminal offense of possession of burglar's tools.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 117) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 118, Creating I Support Veterans license plate.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Cookman, unanimous consent was granted to offer amendments to the bill on third reading.

Thereupon, on motion of Senator Cookman, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page sixty-six, section fourteen, after line one thousand one hundred sixty-three, by inserting a new subdivision, designated subdivision (62), to read as follows:

(62) The commissioner may issue special registration plates to a resident next-of-kin of a member of any law-enforcement agency of the United States or this state killed in line of duty as follows:

(A) Upon appropriate application, the division shall issue a special registration plate designed by the commissioner after consultation with the West Virginia Chiefs of Police Association, the West Virginia Sheriffs' Association, the West Virginia Troopers Association or the Division of Natural Resources for any number of vehicles titled in the name of a qualified applicant.

(B) The next-of-kin shall provide sufficient proof of eligibility and relationship as required by the commissioner.

(C) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(D) The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter.

(E) The provisions of subsection (d) of this section are not applicable for the issuance of the special license plates designated by this subdivision.;

And,

On page sixty-seven, section fourteen, line one thousand one hundred eighty-five, by striking out the words "subdivision (60)" and inserting in lieu thereof the words "subdivisions (60) and (62)".

The bill, as just amended, was again ordered to engrossment.

Engrossed Senate Bill No. 118 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 118) passed.

On motion of Senator Cookman, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Senate Bill No. 118—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to issue special license plates; authorizing issuance of a special I Support Veterans license plate; authorizing issuance of a special next-of-kin of a law-enforcement officer killed in the line of duty license plate; and establishing fees.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 347, Requiring Public Employees Grievance Board and Division of Personnel provide training seminars to certain persons.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell,

Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 347) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 355, Relating to final wage payment to discharged employees.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 355) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 363, Implementing purchasing reforms.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 363) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 363) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 365, Relating to certain criminal conviction expungement.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cookman, Edgell, Facemire, Green, D. Hall, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—28.

The nays were: Cole, Fitzsimmons, M. Hall, Jenkins, Sypolt and Walters—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 365) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 378, Adjusting population line for calculating certain magistrate and staff salaries.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 378) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 378) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 401, Relating to Board of Registration for Professional Engineers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 401) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 403, Relating to judicial retirement system contribution rates.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 403) passed.

On motion of Senator Jenkins, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Senate Bill No. 403—A Bill to amend and reenact §51-9-4 of the Code of West Virginia, 1931, as amended, relating to the judicial retirement system; reducing the contribution rate of judges; authorizing the Consolidated Public Retirement Board to annually establish future participant contribution rates based on the State Actuary's report and report to the Legislature's Joint Committee on Government and Finance and the Joint Committee on Pensions and Retirement; and limiting the participant contribution rate to ten and one-half percent of a participant's salary.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 403) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 426,
Relating to filings under Uniform Commercial Code as to secured transactions.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 426) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 437,
Regulating commercial dog-breeding operations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 437) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 444, Relating to higher education generally.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 444) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird,

McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 444) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 451, Clarifying when carbon monoxide detector is required.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 451) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 454,
Relating to taxation of alternative motor fuels.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—32.

The nays were: Blair—1.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 454) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 458, Permitting PEIA health plans to operate on calendar-year basis.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller–1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 458) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 474, Clarifying when deposits are presumed abandoned for unclaimed property purposes.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sybolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller–1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 474) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 478, Redefining “video lottery games”; permitting wagering by historic resort hotel employees.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 478) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 478) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 481, Relating to juvenile mental health treatment.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 481) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 490, Creating Equine Facilities and Care Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 490) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 492, Authorizing rural resort community as limited gaming facility.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Cann, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Kirkendoll, Laird, McCabe, Plymale, Prezioso, Stollings, Sypolt, Tucker, Walters, Wells, Williams, Yost and Kessler (Mr. President)—25.

The nays were: Boley, Carmichael, M. Hall, Jenkins, Nohe, Palumbo, Snyder and Unger—8.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 492) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 493, Providing standards for converting and retrofitting motor vehicles to alternative fuels.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 493) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 504, Relating to cooperative associations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 504) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 509, Imposing statutory liens on certain fire insurance proceeds.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 509) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 521, Creating amnesty program for certain drivers with suspended or revoked licenses.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins,

Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 521) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 580, Updating requirements for dental intern, resident and teaching permits.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 580) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 580) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 594, Establishing Court of Claims procedure for unjust arrest, conviction or imprisonment claims.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 594) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 599, Expanding number of hours temporary state personnel may work.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 599) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller-1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 599) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill No. 610, Renaming Industrial Home for Youth as Salem Correctional Center; placing Salem and Parkersburg correctional centers under Division of Corrections.

On third reading, coming up in regular order, was reported by the Clerk.

On motion of Senator Unger, the bill was recommitted to the Committee on Government Organization.

Eng. Com. Sub. for Senate Bill No. 615, Amending table game license renewal fee for pari-mutuel racetracks.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Barnes, unanimous consent being granted, further consideration of the bill was deferred until the conclusion of bills on today's third reading calendar.

Eng. Com. Sub. for Senate Bill No. 656, Establishing special study committee to assess problems facing gaming industry.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—32.

The nays were: Carmichael—1.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 656) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—32.

The nays were: Carmichael—1.

Absent: Miller—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 656) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill No. 664, Decreasing appropriations of public moneys in State Fund, General Revenue.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 664) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 664) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The end of today's third reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for Senate Bill No. 615, Amending table game license renewal fee for pari-mutuel racetracks.

On third reading, coming up in deferred order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Cann, Chafin, Cookman, Edgell, Fitzsimmons, Green, D. Hall, Kirkendoll, Laird, McCabe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Walters, Wells, Williams, Yost and Kessler (Mr. President)—23.

The nays were: Blair, Boley, Carmichael, Cole, Facemire, M. Hall, Jenkins, Nohe, Sypolt and Unger—10.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 615) passed.

The following amendment to the title of the bill, from the Committee on Finance, was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill No. 615—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-18f; to amend and reenact §29-22A-10 of said code; and to amend and reenact §29-22C-8 of said code, all relating to amending the table game license renewal fee for West Virginia pari-mutuel racetracks for one year; creating the Lottery Administrative Reserve Fund; providing for a one-time transfer from the Lottery Administrative Reserve Fund to the Community-Based Service Fund; and making technical corrections.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Cann, Chafin, Cookman, Edgell, Fitzsimmons, Green, D. Hall, Kirkendoll, Laird, McCabe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Walters, Wells, Williams, Yost and Kessler (Mr. President)—23.

The nays were: Blair, Boley, Carmichael, Cole, Facemire, M. Hall, Jenkins, Nohe, Sypolt and Unger—10.

Absent: Miller—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 615) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 459, Relating to warranties for used motor vehicles.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

Eng. Com. Sub. for House Bill No. 2923, Relating to directors of state-chartered banking institutions.

On first reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill No. 2940, Relating to regional meetings among certain officials of county boards of education.

On first reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill No. 3086, Relating to juvenile services and criminal justice institutions.

On first reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Unger, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Snyder, the name of Senator Snyder was removed as a sponsor of **Senate Bill No. 622** (*Providing WVU and MU boards of governors additional authority and flexibility*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Thursday, April 4, 2013, at 11 a.m.

THURSDAY, APRIL 4, 2013

The Senate met at 11 a.m.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by the Reverend Richard Mahan, St. Timothy Lutheran Church, Charleston, West Virginia.

Pending the reading of the Journal of Wednesday, April 3, 2013,

On motion of Senator Chafin, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

At the request of Senator Laird, and by unanimous consent, the provisions of rule number fifty-four of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant the Honorable Franklin D. Cleckley, former Justice of the Supreme Court of Appeals of West Virginia, and the Honorable William Gaston Caperton III, former Governor of West Virginia, privileges of the floor for the day.

The Senate proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub for House Bill No. 2128—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3-22, relating to railroad employee records; and requiring railroads to provide access to or copies of an employee's personnel file under certain circumstances and with certain limitations.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2265—A Bill to amend and reenact §18-9F-9 of the Code of West Virginia, 1931, as amended, relating to requiring that the state board of education include, in the legislative rule on a model school crisis plan that it promulgates, certain protocols for responding to injuries and other medical emergencies on school property after normal school hours be included in school crisis response plans by certain date; and providing the applicability and requirements of those protocols as they apply to sports injuries.

Referred to the Committee on Education.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2352—A Bill to amend and reenact §22-3-11 of the Code of West Virginia, 1931, as amended, relating to clarifying that the West Virginia Department of Environmental Protection does not assume a mine operator's obligations or liabilities under the Water Pollution Control Act for compliance with the mine operator's National Pollutant Discharge Elimination System ("NPDES") Permit where the West Virginia Department of Environmental Protection performs reclamation at a bond forfeiture site; clarifying that reclamation efforts undertaken by the West Virginia Department of Environmental Protection at bond forfeiture sites are considered construction activities; and providing tax incentives for mine operators who reclaim bond forfeiture sites.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2357—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-5-13g, relating to the development of an educational diversion program for minors engaged in delinquent offenses associated with sexting and related offenses; delineation of sexting and associated offenses; providing for the establishment of a specialized diversion program by the West Virginia Supreme Court of Appeals for sexting by minors and associated offenses; suggested scope and topics to be included in such specialized diversion program; providing for the participation in the diversion program as a part of a pre-petition diversion and informal resolution in advance of a filed petition, as part of a required counseling plan, or as part of an improvement period requirement established in advance of adjudication; consideration of successful completion of specialized diversion program on first offense and subsequent offenses; allowing for court discretion as to whether adjudicated juvenile should be required to register as a sex offender as a result of adjudication as status offender for sexting and related offenses.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2399—A Bill to amend and reenact §7-10-4 of the Code of West Virginia, as amended, relating to protecting livestock in dire or extreme condition; establishing a livestock committee; providing a process to follow when livestock are in dire or extreme condition; establishing a procedure where livestock are found to be in imminent danger; and

the circumstances where action is required by humane officers and county commissions.

Referred to the Committee on Agriculture and Rural Development.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2431—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to the application process for obtaining a state license to carry a concealed deadly weapon; clarifying certain restrictions and prohibitions; clarifying effect of expungement, pardons or reversal of prior offenses on permit application; clarifying training and certification requirements; clarifying background check requirements; and exempting active military and veterans from licensing fees.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2469—A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended, relating to increasing the cap on earnings during temporary reemployment after retirement.

Referred to the Committee on Pensions; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2013, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2470—A Bill to amend and reenact §18-20-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §18A-2-4 of said code; and to amend and reenact §18A-4-8 and §18A-4-8a of said code, all relating to school service personnel classification, compensation, duties, requirements and training; establishing certain service personnel classification titles and setting their wages; specifying employment requirements and duties for certain classifications titles; modifying certain service personnel classification titles; and establishing conditions for employer payment of and continuing education credit accrual for certain certification acquisition.

Referred to the Committee on Education; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2490—A Bill to amend and reenact §18B-4-9 the Code of West Virginia, 1931, as amended, relating to providing services for and addressing needs of student veterans enrolled in state institutions of higher education; designating role and duties of veterans advocates; and specifying certain provisions to be implemented for student veterans.

Referred to the Committee on Military; and then to the Committee on Education.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2491—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-4-10, relating to establishing a uniform

course completion policy for certain higher education students performing certain military service.

Referred to the Committee on Military; and then to the Committee on Education.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2498—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §52-2-15, relating to grand jury proceedings; providing misdemeanor offense for disclosure of matters occurring before a grand jury under certain circumstances; providing exceptions; and providing criminal penalties.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2513—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections designated §17C-1-67 and §17C-1-68; to amend and reenact §17C-5-4, §17C-5-6, §17C-5-7, §17C-5-8, and §17C-5-9 of said code; and to amend said code by adding thereto a new section, designated §17C-5-12, all relating to the enforcement of laws prohibiting the operation of a motor vehicle while under the influence of a drug or controlled substance generally; defining “drug” and “controlled substance”; providing implied consent to test for controlled substances or drugs; changing period of license suspension for failure to submit to certain tests to provide consistency with other provisions of law; authorizing law-enforcement agencies to designate secondary chemical tests to be administered; removing urine as a subject of testing to determine

its alcohol content or concentration, or its controlled substance and drug content; removing the exception to a license revocation for the refusal to submit to a blood test; requiring training of law-enforcement officers; including controlled substances and drugs in blood test administration procedures; providing the drugs or classes of drug to be included in a chemical analysis; requiring the Bureau of Public Health and West Virginia State Police Forensic Laboratory to prescribe minimum levels of substance or drugs in order to be admissible; authorizing emergency rules; requiring the Bureau of Public Health to review current methods and standards; requiring a specimen to test for controlled substances or drugs to be taken within four hours of arrest; prohibiting testing results to be used as evidence in a criminal prosecution for the possession of a controlled substance; and requiring the West Virginia State Police Forensic Laboratory to report to the Legislature.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2542—A Bill to amend and reenact §29A-2-7 of the Code of West Virginia, 1931, as amended, relating to publication of the State Register; providing that the State Register and its supplements will be available only in electronic format with limited exceptions; and providing that the fees collected for the sale of certain records will be deposited in equal amounts into the General Revenue Fund and the service fees and collections account.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2544—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2 and §11-13DD-3; to amend and reenact §15-5-21 of said code; and to amend and reenact §55-7D-1 of said code, all relating to improving state emergency preparedness; creating an emergency generator tax credit for gas or propane fueled machines; requiring the Office of Emergency Services to coordinate with local radio and television stations to broadcast public service announcements with information as to the location of emergency shelters; providing tax credits for use of emergency generators; and providing a protection from civil or criminal liability to persons donating food during times of emergencies.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2548—A Bill to amend and reenact §61-2-15a of the Code of West Virginia, 1931, as amended, relating to increasing the criminal penalties for assaults and batteries against athletic officials.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2570—A Bill to amend and reenact §6C-2-2 and §6C-2-3 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Public Employees Grievance Procedure; adding definition for discovery; requiring agencies to allow reasonable time for representatives to appear;

providing for discovery requests; and clarifying that participation in proceedings is considered work time.

Referred to the Committee on Government Organization.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2013, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2577—A Bill to repeal §30-5-1a, §30-5-1b, §30-5-2a, §30-5-3a, §30-5-5a, §30-5-5b, §30-5-6a, §30-5-7a, §30-5-7b, §30-5-7c, §30-5-9a, §30-5-10a, §30-5-12c, §30-5-14a, §30-5-14b, §30-5-16a, §30-5-16b, §30-5-16c and §30-5-22a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-5-1, §30-5-2, §30-5-3, §30-5-4, §30-5-5, §30-5-6, §30-5-7, §30-5-8, §30-5-9, §30-5-10, §30-5-11, §30-5-12, §30-5-13, §30-5-14, §30-5-15, §30-5-16, §30-5-17, §30-5-18, §30-5-19, §30-5-20, §30-5-21, §30-5-22, §30-5-23, §30-5-24, §30-5-25, §30-5-26, §30-5-27, §30-5-28, §30-5-29 and §30-5-30 of said code; to amend said code by adding thereto four new sections, designated §30-5-31, §30-5-32, §30-5-33 and §30-5-34; and to amend and reenact §60A-10-3 of said code, all relating to pharmacy practice; prohibiting the practice of pharmacist care without a license; permitting a licensed practitioner to dispense in certain settings; providing other applicable sections; providing definitions; providing for board composition; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license, registration and permit requirements; creating a scope of practice; creating a temporary permit; establishing renewal requirements; providing for exemptions from licensure; providing requirement to participate in collaborative pharmacy practice; providing requirement for dispensing generic drugs; requiring and authorizing registration of pharmacies; establishing for permit for mail-order pharmacies and the manufacturing of drugs; providing requirements of filling prescriptions; providing requirements for the display of a board authorization; permitting the board to

file an injunction; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing duty to warn; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; providing criminal penalties; and updating references.

Referred to the Committee on Health and Human Resources; and then to the Committee on Government Organization.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2600—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-25-1, §7-25-2, §7-25-3, §7-25-4, §7-25-5, §7-25-6, §7-25-7, §7-25-8, §7-25-9, §7-25-10, §7-25-11, §7-25-12, §7-25-13, §7-25-14, §7-25-15, §7-25-16, §7-25-17, §7-25-18, §7-25-19, §7-25-20, §7-25-21, §7-25-22, §7-25-23, §7-25-24, §7-25-25 and §7-25-26; and to amend and reenact §30-29-1 of said code, all relating to the creation of resort area districts; providing short title for article; providing legislative findings for resort area districts; defining terms; authorizing county commissions to create resort area districts; providing for petition process for creation or expansion of resort area districts; providing notice requirements for creation or expansion of resort area districts; providing that resort area districts are public corporations; setting forth powers of resort area districts; authorizing resort area districts to undertake capital projects; authorizing resort area districts to levy assessments upon real property; authorizing resort area districts to borrow money and incur indebtedness; authorizing resort area districts to issue assessment bonds and resort service fee bonds; authorizing resort area districts to impose penalties for unpaid assessments; authorizing resort area districts to levy resort service fee on purchases of certain goods and services; authorizing resort area districts to provide public services; authorizing resort area

districts to provide for public safety and appoint resort area rangers; providing for official name of resort area districts; providing for creation of resort area boards; setting forth powers and certain procedures for resort area boards; providing for election of resort area board members; providing election procedures for resort area boards; requiring certain resort area board members to give bond; providing notice requirements for resort area boards election; providing procedures and notice requirements for resort service fee implementation and administration; providing procedures for implementing and providing services within resort area districts; requiring adoption of budget annually; providing resort area district board ability to condition budgeted expenditures, projects and undertakings on the receipt and availability of additional funds provided by resort operator or other sources; providing procedures for implementation of assessments; providing notice requirements for assessments; providing procedures for construction of capital projects; providing procedures for revision of assessments; exempting public property from assessments; providing terms for assessment bonds and resort service fee bonds; exempting assessment bonds and resort service fee bonds from state taxation; providing that indebtedness of resort area district to be paid solely from resort service fee and assessments; providing procedure for payment of assessments to sheriff; authorizing sheriff to collect delinquent assessments; providing for lien against property subject to assessment and notice thereof; providing for appointment of resort area rangers; authorizing resort area rangers to exercise authority of law-enforcement officers; requiring annual audit of resort area districts; requiring notice of change of ownership of properties within district; reasonable notice by district in absence of receiving notice of change in ownership; providing for liberal construction of article; providing that resort area rangers are considered law-enforcement officers; and making resort area rangers subject to same training and requirements as other law-enforcement officers.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2608—A Bill to amend and reenact §30-38-6, §30-38-7 and §30-38-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-38A-1, §30-38A-2, §30-38A-3, §30-38A-4, §30-38A-5, §30-38A-6, §30-38A-7, §30-38A-8, §30-38A-9, §30-38A-10, §30-38A-11, §30-38A-12, §30-38A-13, §30-38A-14, §30-38A-15, §30-38A-16 and §30-38A-17, all relating to regulating appraisal management companies; requiring appraisal management companies to be registered with the West Virginia Real Estate Appraiser Licensing and Certification Board; adding a member representing appraisal management companies to the board; updating the duties, powers and rulemaking authority of the board; prohibiting any person or firm from performing or offering to perform appraisal management services without a registration issued by the board; defining certain terms; setting forth requirements for registration, including written applications, verifications and criminal background checks; providing exemptions from registration requirements; requiring surety bonds; setting forth duties of appraisal management companies; authorizing certain fees; requiring appraisal management companies to designate a controlling person; establishing requirements and authorizing complaints for the removal of an appraiser from an appraiser panel; setting forth duties of appraisal management companies; defining what constitutes unprofessional conduct; setting forth prohibited acts; authorizing disciplinary action; providing for hearing and notice procedures; authorizing civil penalties; and authorizing the board to seek injunctive relief.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2689—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Board of Medicine to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia controlled substances monitoring program data base; 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 podiatrists; authorizing the Board of Optometry to promulgate a legislative rule relating to continuing education; authorizing the Board of Optometry to promulgate a legislative rule relating to expanded therapeutic procedures certificates; authorizing the Board of Optometry to promulgate a legislative rule relating to a schedule of fees; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to practitioner requirements for controlled substances licensure and accessing the West Virginia controlled substances monitoring program database; 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 ephedrine

and pseudoephedrine control; authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring; authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification; authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to renewal of licensure - qualifications for renewal; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to fees for services rendered by the Board and supplemental renewal fee for the center for nursing; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia controlled substances monitoring program database; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to the announcement of advanced practice; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice; authorizing the Secretary of State to promulgate a legislative rule relating to the Uniform Commercial Code; authorizing the Secretary of State to promulgate a legislative rule relating to administration of the address confidentiality program; authorizing the Secretary of State to promulgate a legislative rule relating to the regulation of political party headquarters financing; authorizing the Secretary of State to promulgate a legislative rule relating to the regulation of late registration; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the procedures, criteria and curricula for examination and licensure of barbers, cosmetologists, nail technicians, aestheticians and hair stylists; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to barber apprenticeships; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the operational standards for schools of barbering and beauty culture; 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 poultry litter and manure movement into primary poultry breeder rearing areas; authorizing the Board of Architects to promulgate a legislative rule relating to the registration of architects; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the Board; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia controlled substances monitoring program database; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to continuing education requirements; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the expanded duties of dental hygienists and dental assistants; authorizing the Hatfield-McCoy Regional Recreation Authority to promulgate a legislative rule relating to rules for use of the facility; authorizing the Treasurer's Office to promulgate a legislative rule relating to the enforcement of the Uniform Unclaimed Property Act; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to the organization and operation and licensing of veterinarians; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to a schedule of fees; authorizing the Board of Social Work to promulgate a legislative rule relating to a fee schedule; authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the profession social work; authorizing the Board of Social Work to promulgate a legislative rule relating to applications; authorizing the Board of Social Work to promulgate a legislative rule relating to continuing education for social workers and providers; authorizing the Board of Social Work to promulgate a legislative rule relating to a code of ethics; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to the licensure of speech-pathology and audiology; and authorizing the Conservation Committee to promulgate a legislative rule relating to the operation of the West Virginia State Conservation Committee and conservation districts.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2730—A Bill to amend and reenact §30-38-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3038-19, all relating to requirements to perform appraisals; providing requirements for licensure or certification by reciprocity; and clarifying the requirements for temporary permits.

Referred to the Committee on Government Organization.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2731—A Bill to amend and reenact §16-5O-1, §16-5O-2, §16-5O-3, §16-5O-4, §16-5O-5, §16-5O-6, §16-5O-7, §16-5O-8, §16-5O-10 and §16-5O-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5O-12, all relating to regulating the performance of health maintenance tasks by unlicensed personnel in certain personal care facilities; providing exceptions; identifying who may perform health maintenance tasks; requiring record keeping; requiring the administrative monitoring system to have input from registered professional nurses; requiring liability insurance; changing the short title; defining terms including health maintenance tasks; requiring legislative rules necessary to implement the article; and the creation of an advisory committee to review definition of health maintenance tasks, along with polices and procedures authorized by the article.

Referred to the Committee on Health and Human Resources; and then to the Committee on Government Organization.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2738—A Bill to amend and reenact §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6, §30-7B-8 and §30-7B-9 of the Code of West Virginia, 1931, as amended, all relating to the Center for Nursing; adding definitions; removing outdated language; updating powers reorganizing the board; establishing minimum scholarship requirements; and requiring the center to report to the Legislative Oversight Commission on Health and Human Resources Accountability instead of the Joint Committee on Government and Finance.

Referred to the Committee on Health and Human Resources; and then to the Committee on Education.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2787—A Bill to amend and reenact §61-7-6 of the Code of West Virginia, 1931, as amended, relating to exemptions and exceptions granted to statutory conceal and carry requirements; imposing certain training and certification requirements for judges, prosecuting attorneys and investigators employed by a prosecuting attorney; exempting such persons from the payment of conceal and carry permit application fees; expanding the list of judicial officers included in those exempted from the payment of fees; and requiring enhanced handgun training for judicial officers and prosecutors before they can be authorized to carry a handgun in the performance of his or her duties, or to carry a handgun in buildings which house a courtroom.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2805—A Bill to repeal §3-12-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1A-5 of said code; and to amend and reenact §3-12-1, §3-12-2, §3-12-3, §3-12-4, §3-12-6, §3-12-7, §3-12-9, §3-12-10, §3-12-11, §3-12-13, §3-12-14 and §3-12-16 of said code, all relating to making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program; removing provisions permitting receipt of supplemental or rescue public campaign financing funds; providing certain findings; limiting collections by, and contributions to, a participating candidate in certain circumstances; requiring all contributions to candidates participating in the program be collected by the candidate's financial agent; providing for the transfer of additional moneys to the program's fund; allowing the program's funds to be invested, with retained earnings; increasing the amounts of financing certified candidates may receive in contested elections; removing certain reporting requirements; removing the doubling of civil penalties in certain circumstances; and repealing the July 1, 2013, sunset provisions for the program and its fund.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2806—A Bill to amend and reenact §25-1A-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §25-1A-2a, all relating generally to exhaustion of administrative remedies for prisoners; defining certain administrative remedies; directing proposal of rules for legislative approval; complying with

federal sexual abuse provisions; and requiring that a prisoner first exhaust such remedies prior to resorting to litigation.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2825—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to certain appointive state officers salaries.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2836—A Bill to amend and reenact §4-5-2 of the Code of West Virginia, 1931, as amended, relating to the Commission on Special Investigations generally; granting certain commission personnel the right to carry firearms in the course of their employment; establishing minimum training and certification requirements for such personnel; requiring such personnel to secure a license to carry a concealed weapon in accordance with the provisions of article seven, chapter sixty-one of this code.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2837—A Bill to repeal §12-112c of the Code of West Virginia, 1931, as amended; to repeal §12-6B-1, §12-6B-2, §12-6B-3 and §12-6B-4 of said code; to amend and reenact §5-10B-13 of said code; to amend said code by adding thereto a new section, designated §5-10B-14; to amend and reenact §12-1-3, §12-1-8 and §12-1-11 of said code; to amend and reenact §12-2-2 and §12-2-3 of said code; to amend and reenact §12-3A-3 of said code; to amend said code by adding thereto a new section, designated §12-4-17; to amend and reenact §12-5-4 of said code; to amend and reenact §126A-1, §12-6A-2, §12-6A-3, §12-6A-4, §12-6A-5, §12-6A-6 and §126A-7 of said code; to amend and reenact §12-6C-7 and §12-6C-9 of said code; to amend and reenact §33-3-14d of said code; and to amend and reenact §36-8-13 of said code, all relating to the state treasurer's office; authorizing the deferred compensation plan to accept qualified domestic relations orders; authorizing Roth accounts within the deferred compensation plan in accordance with the Internal Revenue Code; authorizing financial institutions to offer products in addition to certificates of deposit; updating references to investing authorities to include the Board of Treasury Investments; raising the amount of eligible deposits from \$100,000 to the amount insured by a federal agency; providing requirements to be eligible depositories; providing for conflicts of interest for applicants and employees of the Treasurer's office in connection with financial institutions; authorizing depositories to submit reports in an electronic format; changing the requirement that deposits are required within 24 hours to one business day; establishing standards for receipting of moneys, including reviewing of internal controls by auditors and the Treasurer and ensuring copies of audits are submitted to the Legislative Auditor; ensuring confidential information in internal control procedures is redacted before release; defining federal, special and general revenue funds; changing the report to the Legislative Auditor for accounts outside the treasury from quarterly to an annual report; authorizing the Treasurer to determine the competitive bidding of banking, investment and related goods and services required for treasury operations; authorizing the Treasurer to develop procedures for storing, retaining and disposing of

records for his or her office; ensuring the director of the division of archives and history receives records with historical value; clarifying that the Treasurer is responsible for earnings received on securities, not just interest; consolidating the debt capacity division into the debt management division; providing legislative findings to acknowledge the importance of monitoring the debt of the state and its spending units; continuing division of debt management as the central information source for debt issued by the state and its spending units; defining debt to include debentures, lease purchases, mortgages, securitizations and other types of obligations with specific amounts owed and payable on demand or on determinable dates; defining debt impact report, moral obligation bond, net tax supported debt and tax supported debt; defining spending unit; eliminating requirement for developing a long-term debt plan; authorizing the division to continuously evaluating debt and debt service requirements and reviewing all proposed debt offerings of the state and its spending units; authorizing the division to issue a debt impact report if requested by the Governor, Senate President or House of Delegates Speaker and that the report shall not restrict the Governor, Legislature or spending unit; requiring the division to monitor continuing disclosure requirements and post-issuance compliance issues; eliminating requirement that the debt management division provide staff for the debt capacity division; providing for reporting by the division and the spending units; requiring the division to prepare and issue the debt capacity report; authorizing the Treasurer to promulgate the rules in certain circumstances; altering the bond required for the Board of Treasury Investments from \$50 million to at least \$10 million, as set by the board; updating language pertaining to rating agencies to nationally recognized statistical rating organizations; permitting pools with weighted average maturity or duration of 366 days or more to invest in investment grade corporate debt securities; authorizing investments in money market and other fixed income funds; authorizing the board to make loans specified by the Legislature and to offer an equipment and software financing program for state government entities; providing that securities falling out of compliance with the Code do not have to be sold if the investment manager and

investment consultant recommend retention; satisfying amounts due to and from policemen's and firemen's pension and relief funds and the Teachers Retirement System; authorizing expenses related to operations and programs of the office of the Treasurer from the Unclaimed Property Fund; authorizing transfer of moneys from the Unclaimed Property Trust Fund for payment to policemen's and firemen's pension and relief funds.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2849—A Bill to amend and reenact §6-9-7 and §6-9-9a of the Code of West Virginia, 1931, as amended, all relating to the Chief Inspector of Public Offices; authorizing the Chief Inspector to investigate the financial affairs of local governmental offices, political subdivisions, boards, commissions, authorities, agencies and other public entities; clarifying that the Chief Inspector may report to proper legal authority or initiate civil and criminal actions if an investigation discloses misfeasance, malfeasance or nonfeasance; and providing for confidentiality of reports until the completion of investigation or adjudication.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2897—A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2960—A Bill to repeal §3325C-5, §33-25C-6, §33-25C-7, §33-25C-9 and §33-25C-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §33-16H-1, §33-16H-2, §33-16H-3 and §33-16H-4, all relating to review of adverse determinations by health plan issuers; mandating utilization review and internal grievance procedures; providing for external review of adverse determinations; defining terms; providing for judicial review of certain decisions; providing for venue of judicial review; providing for continued benefits pending judicial review; providing for an award of attorneys fees; providing no new causes of action; preserving existing causes of action; repealing similar provisions applicable to only health maintenance organizations; and directing proposal and promulgation of rules.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2964—A Bill to amend and reenact §8-10-1 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of the mayor; and allowing removed chiefs of police and removed deputy chiefs of police to be reinstated to the rank that he or she previously held.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2968—A Bill to amend and reenact §5A-8-20 of the Code of West Virginia, 1931, as amended, relating to the creation of preservation duplicates of state records and destruction of the original records; authorizing the use of additional medium for use in archiving the records; setting forth the standards the additional medium must meet; requiring the state records administrator to establish a procedure for executive agencies to follow; permitting, consistent with the State Constitution, each house of the Legislature to determine on its own or jointly the procedure for the storage of legislative records; permitting any person or entity to purchase one copy of any archived or preserved state record; and defining a term.

Referred to the Committee on Government Organization.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 3020—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto six new sections to article seven, chapter twenty, designated §20-7-24, §20-7-25, §20-7-26, §20-7-27, §20-7-28 and §20-7-29, all relating to boat, boat dock and marina safety; providing definitions; requiring compliance with certain standards; requiring work by certified electricians; establishing a date for compliance; and providing penalties.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 3028—A Bill to amend and reenact §29-6-4 of the Code of West Virginia, 1931, as amended, relating to expanding the number of hours temporary state personnel may work in a calendar year.

At the request of Senator Laird, and by unanimous consent, the message was taken up for immediate consideration and reference of the bill to a committee dispensed with.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 3058—A Bill to amend and reenact §11-1C-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §11-1C-5c and §11-1C-5d, all relating to the valuation of motor vehicles for purposes of ad valorem property taxes; requiring antique motor vehicles not used as a primary vehicle to be assigned an appraised value of up to \$5,000; and providing that a reconciliation excise tax is imposed on the sale of an antique motor vehicle to recapture revenue from the sale.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 3060—A Bill to amend and reenact §22C-9-3 and §22C-9-4 of the Code of West Virginia, 1931, as amended, all relating to authorizing the Oil and Gas Conservation Commission to regulate the horizontal deep wells.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 3062—A Bill to amend and reenact §19-12A-6a of the Code of West Virginia, 1931, as amended, increasing the cap for collections into the land division special revenue account of the Department of Agriculture from \$1,500,000 to \$2,000,000 and dividing amounts in excess of the cap evenly between said special revenue account and the General Revenue Fund of the state.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 3069—A Bill to amend and reenact §23-5-16 of the Code of West Virginia, 1931, as amended, relating to providing that attorney fees may be awarded for successful recovery of denied medical benefits in certain workers' compensation cases; and providing fee limits.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 3072—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4 and §11-13DD-5, all relating to providing a tax credit to coal producers who sell coal to taxpayers who increase their

consumption of West Virginia coal in this state for the purpose of increasing coal production and coal related employment in West Virginia.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 3112—A Bill to amend and reenact §14-2A-3, §14-2A-9 and §14-2A-12 of the Code of West Virginia, 1931, as amended, all relating to compensation awards to victims of crimes; increasing the amount of victim relocation costs; permitting a victim's reasonable travels costs to attend parole hearings of the offender; including student loans in definition of lost scholarship; permitting the Court of Claims to hire more than two claim investigators; and permitting claim investigators to acquire autopsy reports, including toxicology results, from the State Medical Examiner.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 3139—A Bill to amend and reenact §3-1A-8 of the Code of West Virginia, 1931, as amended, relating to qualified investigators employed by the Secretary of State; authorizing the Secretary of State to allow qualified investigators to carry firearms while performing their official duties; establishing minimum training and certification requirements; and requiring qualified personnel to secure a license to carry a concealed weapon in accordance with the provisions of the code.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2013, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 3157—A Bill to repeal §18-2-15, §18-2-15a, §18-2-18, §18-2-23, §18-2-30, §18-2-31, §18-2-36, §18-2-37 and §18-2-38 of the Code of West Virginia, 1931, as amended; to repeal §18-2E-3c and §18-2E-3d of said code; to repeal §18-5-40 of said code; to repeal §18-9-2b, §18-9-5, §18-9-7 and §18-9-8 of said code; to repeal §18-9A-3a, §18-9A-3b, §18-9A-13, §18-9A-13a, §18-9A-13b, §18-9A-25 and §18-9A-26 of said code; to repeal §18-9B-11 and §18-9B-16 of said code; to repeal §18A-3-2b of said code; to amend and reenact §18-2-5g of said code; to further amend said code by adding thereto a new section, designated §18-2E-5e; to further amend said code by adding thereto a new section, designated §18-8-6a; and to amend and reenact §18-9A-10 of said code, all relating to restoring the authority, flexibility and capacity of schools and school systems to improve student learning; eliminating requirement for biennial report on public schools and institutions; eliminating expired provisions for RESA study; eliminating expired provisions for study on staff fluctuations at certain schools; eliminating outdated provisions on comprehensive education program plans; eliminating requirement for statewide curriculum technology resource center; eliminating outdated provisions for automatic cost of living adjustment plan; eliminating outdated provisions for student learning abilities grant program; eliminating expired provisions on flood and property insurance study; eliminating expired provisions on study of school teams and committees; eliminating prescriptive summer reading and math grant program provisions; eliminating provisions pilot program for operation on schools on semester basis; eliminating outdated provisions for transferring school funds from magisterial and independent school districts; eliminating outdated provisions related to the board of the school

fund; eliminating outdated provisions related to supplemental aid to for districts with institutional home for orphans and homeless children; eliminating expired provisions for transition to new provisions on school finance; eliminating expired provisions for school finance in certain fiscal year; eliminating expired provisions for one-year transitional allocation appropriation for certain rural districts; eliminating expired provisions related to levies subsequent to passage of statewide uniform excess levy; eliminating inoperable provisions for legislative reserve fund; eliminating requirement for appropriation for teacher of the year salary; eliminating allowance for workers' compensation for unpaid work-based learning; eliminating outdated provisions related to board of school finance; eliminating provisions related to beginning teacher internship; replacing requirement for annual summary and submission of certain county board policies with requirement for state board to review and evaluate certain reports and report to legislative oversight commission; making legislative findings on Goals for Education; making legislative findings on policy-oriented objectives in Goals for Education; making legislative findings on certain issues raised by Efficiency Audit; making legislative findings on consistency of certain Audit conclusion and policy-oriented objectives of Goals for Education; stating purpose of section with respect to Goals for Education and policy-oriented objectives; requiring state board report on accountability supervisory method that does not affect school and district strategic plans in certain ways; requiring state board to provide clear and consistent expectations for reasonable period in certain ways; requiring state board to ensure certain school and school system capacity for professional development; requiring state board to evaluate its performance and progress on achieving goals and report to Legislative Oversight Commission on Education Accountability; providing reimbursement in certain circumstances for county board costs of probation officers for truant juveniles; eliminating state board approval of certain electronic strategic improvement plans; reducing percent of increase in local share added to allowance to improve instructional

programs; requiring certain funds available for use for personnel to be used for only certain personnel subject to certain condition; increasing percent of increase in local share added to instructional technology purposes; changing purpose to county and school strategic improvement plans; and changing method of allocation to counties.

Referred to the Committee on Education; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 3161—A Bill to repeal §48-2-604 of the Code of West Virginia, 1931, as amended, relating to marriage license fees.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 3162—A Bill to amend and reenact §18B-18A1, §18B-18A-2, §18B-18A-3, §18B-18A-8, §18B-18A-9 and §18B18A-11 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §18B-18A-3a, all relating to providing for the allocation of matching funds from future moneys deposited into the West Virginia Research Trust Fund generally; expanding the eligible recipients of matching funds to include West Virginia State University in certain circumstances; modifying criteria for eligibility to receive certain matching funds; and requiring new legislative rule.

Referred to the Committee on Education; and then to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 3163—A Bill to amend and reenact §17-16A-4, §17-16A-10 and §17-16A-18 of the Code of West Virginia, 1931, as amended, all relating to requiring all debt obligations of the West Virginia parkways authority to be satisfied by February 1, 2020; eliminating tolls on the West Virginia Turnpike after debt obligations are satisfied; directing the Governor to issue a proclamation that all obligations are satisfied and transfer of assets; providing that certain materials, equipment, assets and employees of the parkways authority be transferred to the Division of Highways; providing for employees of the parkways authority whose positions are eliminated as result of the transfer; requiring certain moneys be used for operation and maintenance of West Virginia Turnpike; providing that all obligations and responsibilities of the parkways authority for the West Virginia Turnpike cease on January 1, 2035; prohibiting new bonds from being issued; providing an exception; and requiring the Division of Highways to accept ownership of the West Virginia Turnpike when the bonds secured by toll revenues have been paid.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

Executive Communications

Senator Kessler (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, consisting of executive nominations for appointees:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 4, 2013

Senate Executive Message No. 4

TO: The Honorable Members of the
West Virginia Senate

Ladies and Gentlemen:

I respectfully submit the following nominations for your advice and consent:

1. For Member, Livestock Care Standards Board, Ben Tuckwiller, Lewisburg, Greenbrier County, for the term ending June 30, 2016.

2. For Member, Natural Resources Commission, Jeffrey Bowers, Franklin, Pendleton County, for the term ending June 30, 2019.

3. For Member, Board of Osteopathic Medicine, Elizabeth Blatt, Princeton, Mercer County, for the term ending June 30, 2013.

4. For Member, Board of Osteopathic Medicine, Robert Whitler, Elkview, Kanawha County, for the term ending June 30, 2017.

5. For Member, Board of Osteopathic Medicine, Heather Jones, Chapmanville, Logan County, for the term ending June 30, 2018.

6. For Member, Educational Broadcasting Authority, Mark Polen, Charleston, Kanawha County, for the term ending June 30, 2019.

7. For Member, Hospital Finance Board, The Honorable Jack Roop, Crab Orchard, Raleigh County, for the term ending January 9, 2018.

8. For Member, Hospital Finance Board, David Williams, Hurricane, Putnam County, for the term ending January 9, 2015.

9. For Member, Election Commission, Vince Cardi, Morgantown, Monongalia County, for the term ending June 4, 2017.

10. For Member, Workers' Compensation Board of Review, James Gray, Bridgeport, Harrison County, for the term ending December 31, 2018.

11. For Member, Hospital Finance Authority, James Christie, Bridgeport, Harrison County, for the term ending January 9, 2014.

12. For Member, Livestock Care Standards Board, Dan Robison, Morgantown, Monongalia County, for the term ending June 30, 2016.

13. For Member, Hospital Finance Authority, Jack Hartley, Charleston, Kanawha County, for the term ending January 9, 2019.

14. For Member, Hospital Finance Authority, Geraldine Roberts, Elkins, Randolph County, for the term ending January 9, 2017.

15. For Member, Health Care Authority, Sonia Chambers, Huntington, Cabell County, for the term ending March 12, 2019.

16. For Member, School Building Authority, Steve Burton, Prichard, Wayne County, for the term ending July 31, 2015.

17. For Member, Investment Management Board of Trustees, G. Kurt Dettinger, Charleston, Kanawha County, for the term ending January 31, 2019.

18. For Member, West Virginia University-Parkersburg Board of Governors, James Six, Parkersburg, Wood County, for the term ending June 30, 2016.

19. For Member, West Virginia University-Parkersburg Board of Governors, Jeffrey Matheny, Mineral Wells, Wood County, for the term ending June 30, 2016.

20. For Member, Athletic Commission, James Frio, Wheeling, Ohio County, for the term ending June 30, 2014.

21. For Member, Athletic Commission, Steve Allred, Julian, Boone County, for the term ending June 30, 2015.

22. For Member, Regional Jail and Correctional Facility Authority, Tim McCormick, Wheeling, Ohio County, for the term ending June 30, 2013.

Notice of these appointments was previously provided to the appropriate legislative staff at the time the appointments were made.

Sincerely,

Earl Ray Tomblin,
Governor.

Which communication was received and referred to the Committee on Confirmations and incorporated with the executive nominations received earlier this session; all to be considered as a special order of business for Saturday, April 13, 2013, at 11 a.m.

The Senate proceeded to the fourth order of business.

Senator Williams, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Concurrent Resolution No. 41 (originating in the Committee on Economic Development)—Requesting the Joint Committee on Government and Finance study the critical access need for emergency electric generators; the best methods to ensure that businesses, public services and citizens have access to such emergency electric generators; and the feasibility of a tax credit to offset the costs of purchasing such emergency electric generators.

Whereas, Recent natural events, including the derecho of June 2012, have increased the awareness of and need for emergency electric generators in West Virginia; and

Whereas, The rural and mountainous terrain of much of West Virginia slows the restoration of electric service following natural disasters and other natural events, further underscoring the importance of access to emergency electric generators; and

Whereas, Future preparedness for potential natural disasters and emergencies requires increased access to emergency electric generators; and

Whereas, Uninterrupted access to certain critical services and goods, including health care, water, food and fuel, during emergency situations is an essential element in ensuring the safety and well being of the citizens of West Virginia; and

Whereas, The cost of purchasing an emergency electric generator can be very expensive, especially to small businesses and individual citizens; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the critical access need for emergency

electric generators; the best methods to ensure that businesses, public services and citizens have access to such emergency electric generators; and the feasibility of a tax credit to offset the costs of purchasing such emergency electric generators; and, be it

Further Resolved, That the West Virginia Division of Homeland Security is requested to assist the Joint Committee on Government and Finance in its study of emergency electric generators; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Bob Williams,
Chair.

At the request of Senator Williams, unanimous consent being granted, the resolution (S. C. R. No. 41) contained in the preceding report from the Committee on Economic Development was taken up for immediate consideration.

On motion of Senator Williams, the resolution was referred to the Committee on Rules.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Concurrent Resolution No. 42 (originating in the Committee on Government Organization)—Requesting the Joint Committee on Government and Finance study the state’s purchasing process and procedures, including the possible adoption of the Model Procurement Act.

Whereas, It has been brought to the attention of the Legislature that the purchasing and procurement processes of the state are unclear; and

Whereas, There is some discrepancy in the best purchasing process for the state, and a study may produce a procedure or refine an existing procedure conducive to efficient spending; and

Whereas, Other states employ and advocate procurement methods that differ from that of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the state’s purchasing process and procedures, including the possible adoption of the Model Procurement Act; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the resolution (S. C. R. No. 42) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration.

On motion of Senator Snyder, the resolution was referred to the Committee on Rules.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Concurrent Resolution No. 43 (originating in the Committee on Government Organization)—Requesting the Joint Committee on Government and Finance study the feasibility of regional testing for examinations given by state agencies, boards, commissions and entities and Chapter 30 boards.

Whereas, Most examinations given by state agencies, boards, commissions and entities and Chapter 30 boards are predominantly administered in Charleston; and

Whereas, Having to travel to Charleston creates a hardship for the citizens of West Virginia due to the significant driving distance to the capital city; and

Whereas, Providing for the administration of tests regionally and/or online may better serve the citizens of West Virginia; 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 of regional testing for examinations given by state agencies, boards, commissions and entities and Chapter 30 boards; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the resolution (S. C. R. No. 43) contained in the preceding

report from the Committee on Government Organization was taken up for immediate consideration.

On motion of Senator Snyder, the resolution was referred to the Committee on Rules.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2314, Authorizing a family court judge to order a child to be taken into custody in emergency situations.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill No. 2361, Relating to the definition of “eligible veteran” for certain state training and employment preference benefits.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill No. 2397, Authorizing a county commission to temporarily fill vacancies in certain offices.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill No. 2463, Repealing the article that permits the sterilization of persons deemed to be mentally incompetent.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill No. 2471, Prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency.

And has amended same.

And,

Eng. Com. Sub. for House Bill No. 2534, Relating to the regulation of pawn brokers.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary, with amendments from the Committee on Government Organization pending.

Senator Facemire, from the Committee on Energy, Industry and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry and Mining has had under consideration

Eng. Com. Sub. for House Bill No. 2505, Increasing civil penalties imposed by the Public Service Commission for pipeline safety violations.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Douglas E. Facemire,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2521, Relating to the West Virginia Contraband Forfeiture Act.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2585, Increasing the time to file a petition in response to notice of an increased assessment.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2652, Authorizing the Department of Administration to promulgate legislative rules.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. House Bill No. 2729, Allowing schools to voluntarily maintain and use epinephrine auto-injectors.

And,

Eng. House Bill No. 3104, Authorizing certain legislative rules regarding higher education.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Robert H. Plymale,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2809, Authorizing the Division of Corrections to implement a responsible parent program pilot project.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. House Bill No. 2851, Establishing a one time audit cost amnesty program for local governments with delinquent audit costs.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2858, Relating generally to consumer rate relief bonds.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Prezioso, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on the Judiciary.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

House Concurrent Resolution No. 11, Requesting the State of West Virginia to annually recognize August 16 as “Airborne Day” in West Virginia.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Herb Snyder,
Chair.

Senator Facemire, from the Committee on Energy, Industry and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry and Mining has had under consideration

House Concurrent Resolution No. 80, Urging the US Congress to move West Virginia from the Environmental Protection Agency's Region 3 office to the Region 4 office in Atlanta.

And reports the same back with the recommendation that it be adopted; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Douglas H. Facemire,
Chair.

The resolution, under the original double committee reference, was then referred to the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

Senators Kessler (Mr. President), Stollings, Cann, Yost, Beach, Prezioso, Williams, Sypolt, Edgell, McCabe, Carmichael, Fitzsimmons, D. Hall, Jenkins, Wells and Unger offered the following resolution:

Senate Resolution No. 56—Honoring Franklin D. Cleckley, former Justice of the Supreme Court of Appeals of West Virginia, author, professor and distinguished public servant.

Whereas, Franklin D. Cleckley served for two years as a Justice of the Supreme Court of Appeals of West Virginia, the first African-American to do so, and authored over one hundred majority opinions; and

Whereas, Franklin D. Cleckley authored the “Handbook on Evidence for West Virginia Lawyers” and the “Handbook on West Virginia Criminal Procedures”, volumes referred to as the “Bible for West Virginia’s judges and attorneys” by the Supreme Court of Appeals of West Virginia; and

Whereas, Franklin D. Cleckley has taught at the West Virginia University College of Law since 1969, educating and mentoring future judges, lawyers, state and national legislators, educators and business and community leaders for forty-four years; and

Whereas, Franklin D. Cleckley was the first African-American member of the faculty and staff at the West Virginia University College of Law, and the first full-time African-American professor at West Virginia University; and

Whereas, Franklin D. Cleckley established The Franklin D. Cleckley Foundation, Inc., a nonprofit organization that gives former convicts educational and employment opportunities; and

Whereas, Franklin D. Cleckley founded at West Virginia University an eponymous symposium to bring distinguished members of the civil rights and African-American communities to the campus; and

Whereas, Franklin D. Cleckley successfully argued important antidiscrimination cases as a civil rights lawyer that helped integrate West Virginia and bring social justice to the state; and

Whereas, Franklin D. Cleckley often represented clients who could not afford to pay, serving as a one-man legal aid society and earning the reputation of being the “poor man’s Perry Mason”; and

Whereas, Franklin D. Cleckley helped revive the Mountain State Bar Association, the oldest minority bar in the United States, founded in 1915; and

Whereas, Franklin D. Cleckley served with distinction in the United States Navy Judge Advocate General’s Corps and was the most requested lawyer by defendants; and

Whereas, Franklin D. Cleckley is a legal icon in the State of West Virginia and widely considered one of the nation’s greatest legal minds; therefore, be it

Resolved by the Senate:

That the Senate hereby honors Franklin D. Cleckley, former Justice of the Supreme Court of Appeals of West Virginia, author, professor and distinguished public servant; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Franklin D. Cleckley.

At the request of Senator Laird, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

On motion of Senator Laird, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

Senators Prezioso, Stollings, Cann, Yost, Snyder, McCabe, Carmichael, Fitzsimmons, Beach, Williams, D. Hall, Jenkins, Wells and Unger offered the following resolution:

Senate Resolution No. 57—Recognizing William Gaston Caperton III, the thirty-first Governor of West Virginia, for his service and contributions to the youth of West Virginia.

Whereas, William Gaston Caperton III was born February 21, 1940, in Charleston, West Virginia; and

Whereas, William Gaston Caperton III graduated from the University of North Carolina at Chapel Hill, and then returned to Charleston to manage his family-owned insurance firm; and

Whereas, William Gaston Caperton III later became the principal owner of the insurance firm, turning it into one of the largest privately owned insurance brokerage firms in the country; and

Whereas, William Gaston Caperton III was elected the thirty-first Governor of West Virginia in November 1988, and served as Governor of West Virginia from 1989 through 1997; and

Whereas, During his service as Governor, William Gaston Caperton III distinguished himself as a model of fiscal responsibility and an innovator of education reform, resulting in his being named the Chair of the Democratic Governors Association; and

Whereas, During his term as Governor, William Gaston Caperton III was instrumental in championing causes and programs of the Ohio-West Virginia Youth Leadership Association; and

Whereas, These achievements include continued and increased funding of the Governor's Youth Opportunity Camp at Camp Horseshoe for low-income 7 to 12 year-old West Virginia boys and girls, enabling at-risk children to turn their lives to achievement in school, career, healthier living and citizenship; and

Whereas, As Governor, William Gaston Caperton III was instrumental in obtaining a grant from the Appalachian Regional Commission to extend youth leadership programming into more West Virginia schools and communities; and

Whereas, William Gaston Caperton III led the creation of the Institute for IDEAS at Camp Horseshoe as a residential alternative school for talented West Virginia eighth and ninth graders who were failing in school and often life, motivating and preparing more than eighty-five percent of the students to return home to succeed in school and life; and

Whereas, William Gaston Caperton III was an integral partner in the Youth in Government Model Legislature program, which provides students with live hands-on experience in the workings of state government; and

Whereas, After completing two terms as Governor, William Gaston Caperton III taught at Harvard University, and was a founder of the Institute on Education and Government at Columbia University; and

Whereas, In 1999, William Gaston Caperton III became President of the College Board, which administers the SAT and AP tests; and

Whereas, William Gaston Caperton III left the College Board in 2012 in order to return to Charleston; and

Whereas, William Gaston Caperton III's contributions to the youth of West Virginia have been known to generations and will be felt by generations to follow; and

Whereas, William Gaston Caperton III's accomplishments are being recognized on April 5, 2013, as the tenth recipient of the Lewis N. McManus Spirit of the Mountains Award, an impressive designation previously received by Jessica Lynch, Cecil Underwood, John D. Rockefeller IV, Bill Raney, Gayle Manchin and James H. "Buck" Harless, among others; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes William Gaston Caperton III, the thirty-first Governor of West Virginia, for his service and contributions to the youth of West Virginia; and, be it

Further Resolved, That the Senate expresses its congratulations to William Gaston Caperton III for being selected as the tenth recipient of the Lewis N. McManus Spirit of the Mountains Award; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to William Gaston Caperton III and the Youth Leadership Association.

At the request of Senator Laird, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Thereafter, at the request of Senator Laird, and by unanimous consent, the remarks by Senators Prezioso, Plymale and Edgell regarding the adoption of Senate Resolution No. 57 were ordered printed in the Appendix to the Journal.

On motion of Senator Laird, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

Senators Green, D. Hall, Stollings, Yost, Prezioso, McCabe, Carmichael, Fitzsimmons, Beach, Williams, Jenkins, Wells and Unger offered the following resolution:

Senate Resolution No. 58—Recognizing the Citizens Conservation Corps for its dedicated public service to the communities and citizens of West Virginia.

Whereas, The mission of the Citizens Conservation Corps is to conduct projects and programs that strengthen and revitalize communities; provide self esteem, educational enhancements and employment opportunities through meaningful work experiences for young people; and conserve, develop and enhance natural resources; and

Whereas, Founded as part of President Franklin D. Roosevelt's New Deal, the Civilian Conservation Corps sought to provide meaningful employment to young men as the country faced the economic plight of the Dust Bowl and Great Depression; and

Whereas, In West Virginia the Citizens Conservation Corps built roads and trails, planted trees and designed many projects to enhance the forests, fields and trails across the state; and

Whereas, While the Civilian Conservation Corps folded in 1942, as the nation's attention turned to World War II, its dedication to the preservation and purification of the land, water and forests, and goals of bettering men and women through their involvement with the land lives on through the Citizens Conservation Corps of West Virginia; and

Whereas, Representatives of the Citizens Conservation Corps believe that men and women, young and old alike, can benefit from the experiences provided by its programs, and remain focused on the individuals who seek to improve themselves and their communities; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Citizens Conservation Corps for its dedicated public service to the communities and citizens of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy this resolution to the Citizens Conservation Corps.

At the request of Senator Green, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

On motion of Senator Laird, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

Senate Concurrent Resolution No. 39, Requesting Joint Committee on Government and Finance study tax system.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Finance; and then to the Committee on Rules.

Senate Concurrent Resolution No. 40, Requesting Joint Committee on Government and Finance study Taxpayer Bill of Rights.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Finance; and then to the Committee on Rules.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 459, Relating to warranties for used motor vehicles.

On third reading, coming up in regular order, was reported by the Clerk.

On motion of Senator Laird, the bill was recommitted to the Committee on the Judiciary.

The Senate proceeded to the tenth order of business.

Eng. Com. Sub. for House Bill No. 2923, Relating to directors of state-chartered banking institutions.

On first reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Laird, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill No. 2940, Relating to regional meetings among certain officials of county boards of education.

On first reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Laird, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill No. 3086, Relating to juvenile services and criminal justice institutions.

On first reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Laird, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the eleventh order of business and the introduction of guests.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Laird, the Senate adjourned until tomorrow, Friday, April 5, 2013, at 11 a.m.

FRIDAY, APRIL 5, 2013

The Senate met at 11 a.m.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by the Reverend Gary Nelson, Cross Lanes United Methodist Church, Cross Lanes, West Virginia.

Pending the reading of the Journal of Thursday, April 4, 2013,

On motion of Senator Carmichael, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill No. 448, Increasing number of demonstration dealer plates issued to large commercial vehicle dealers.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 7, Designating Hall Flintlock Model 1819 official state firearm.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 9, Requesting DOH name bridge in Boone County “Naval Chief Boatswain Fred L. Byrnside and Army Captain Dora Jo Chambers Byrnside Memorial Bridge”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution No. 13, Requesting DOH name bridge in Lewis County “J. Cecil Jarvis Memorial Bridge”.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 83—Requesting the Joint Committee on Government and Finance study viable alternatives to placing children in maximum security environments.

Referred to the Committee on the Judiciary; and then to the Committee on Rules.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 104—Recognizing the many contributions made by citizens of the Republic of Azerbaijan and that it is in the best interest of the State of West Virginia to promote relationships with the Azerbaijani people.

Referred to the Committee on Government Organization.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 110—Requesting that the Division of Highways name bridge number 18-87-5.40, currently known as Evans Bridge, on County Route 87 over Mill Creek near Evans, West Virginia, the “Boyd Leon Parsons Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 111—Requesting the Division of Highways to build the bridge on County Route 65/03 located near Tug Valley High School in Naugatuck, Mingo County.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 122—Requesting the Joint Committee on Government and Finance to study the rural health workforce in West Virginia.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2108, Making the offense of failure to wear safety belts a primary offense.

And,

Eng. House Bill No. 2992, Eliminating duplicative reporting requirements imposed on distributors of imported cigarettes.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2395, Relating to senior services.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2471, Prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency.

With amendments from the Committee on Government Organization pending;

And has also amended same.

And reports the same back with the recommendation that it do pass as last amended by the Committee on the Judiciary.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2471) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2553, Authorizing the Secretary of State to administratively dissolve certain business entities.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2553) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Yost, from the Committee on Labor, submitted the following report, which was received:

Your Committee on Labor has had under consideration

Eng. Com. Sub. for House Bill No. 2716, Relating to the West Virginia Fairness in Competitive Bidding Act.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Jack Yost,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2815, Clarifying and modifying the process of appointing and terminating guardians for minors.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 3003, Facilitating compliance with the Tobacco Master Settlement Agreement.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. House Bill No. 3159, Granting exceptions from certain compulsory attendance statutes to the Monroe and Nicholas County school systems.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Robert H. Plymale,
Chair.

The Senate proceeded to the seventh order of business.

House Concurrent Resolution No. 11, Requesting the State of West Virginia to annually recognize August 16 as “Airborne Day” in West Virginia.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Eng. Com. Sub. for House Bill No. 2314, Authorizing a family court judge to order a child to be taken into custody in emergency situations.

Eng. House Bill No. 2361, Relating to the definition of “eligible veteran” for certain state training and employment preference benefits.

Eng. House Bill No. 2463, Repealing the article that permits the sterilization of persons deemed to be mentally incompetent.

Eng. Com. Sub. for House Bill No. 2521, Relating to the West Virginia Contraband Forfeiture Act.

Eng. Com. Sub. for House Bill No. 2585, Increasing the time to file a petition in response to notice of an increased assessment.

Eng. Com. Sub. for House Bill No. 2652, Authorizing the Department of Administration to promulgate legislative rules.

Eng. House Bill No. 2729, Allowing schools to voluntarily maintain and use epinephrine auto-injectors.

Eng. Com. Sub. for House Bill No. 2858, Relating generally to consumer rate relief bonds.

Eng. Com. Sub. for House Bill No. 2923, Relating to directors of state-chartered banking institutions.

Eng. Com. Sub. for House Bill No. 2940, Relating to regional meetings among certain officials of county boards of education.

Eng. House Bill No. 3028, Expanding the number of hours temporary state personnel may work in a calendar year.

Eng. Com. Sub. for House Bill No. 3086, Relating to juvenile services and criminal justice institutions.

And,

Eng. House Bill No. 3104, Authorizing certain legislative rules regarding higher education.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators D. Hall, Laird and Miller.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Laird, the Senate adjourned until Monday, April 8, 2013, at 11 a.m.

MONDAY, APRIL 8, 2013

The Senate met at 11 a.m.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by the Reverend Philip Bowles, Elder, Oceana Church of God, Oceana, West Virginia.

Pending the reading of the Journal of Friday, April 5, 2013,

On motion of Senator Snyder, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill No. 383, Authorizing family court judges appoint counsel in certain contempt cases.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

Eng. Senate Bill No. 383—A Bill to amend and reenact §29-21-9 and §29-21-20 of the Code of West Virginia, 1931, as amended, all relating to Public Defender Services; authorizing family court judges to appoint counsel in contempt cases when jail commitment is possible; and providing immunity to attorney appointed by family court judges.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Senate Bill No. 383, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 383) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill No. 412, Relating to removal of elected county conservation district supervisors from office.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §19-21A-6 and §19-21A-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 21A. CONSERVATION DISTRICTS.

§19-21A-6. Election of supervisors for each district; filling vacancies.

(a) Each county in a district shall elect two nonpartisan supervisors: *Provided*, That any county with a population of one hundred thousand based on the most recent decennial census shall elect one additional supervisor and any county with a population over one hundred thousand based on the most recent decennial census shall elect one additional supervisor for each fifty thousand residents over one hundred thousand.

(b) A candidate for supervisor must be a landowner and an active farmer with a minimum of five years' experience or a retired farmer who has had a minimum of five years' experience and must have the education, training and experience necessary to carry out the duties required by this article. The State Conservation Committee shall propose for promulgation in accordance with the requirements of article three-a, chapter twenty-nine of this code legislative rules to establish criteria for the necessary education, training and experience.

(c) All registered voters in the district are eligible to vote in the election for candidates from the county within the boundaries of the district in which the voter resides. The candidates in each county who receive the largest number of votes cast in the election shall be elected supervisors for that county.

(d) Supervisors shall be elected in the ~~general election to be conducted in the year 2008 as nonpartisan candidates. After that, Supervisors shall be elected in the primary election. The term of office for the candidate for supervisor receiving the highest number of votes in the general election of 2008 is four years; the candidate~~

~~for supervisor receiving the second highest number of votes in the general election of 2008 is two years. In counties where more than two supervisors are elected in the general election of 2008, the two supervisors receiving the highest number of votes serve for four years and the remaining supervisor or supervisors serve for two years. Terms of office for supervisors elected after that are four years. primary election and serve a term of four years.~~ The provisions of chapter three of this code apply to election of supervisors.

(e) Persons holding the position of supervisor, regardless of the expiration of the designated term of office, continue to serve until the election and qualification of his or her successor.

(f) Any vacancy occurring in the office of supervisor shall be filled by the committee by appointment of a person from the county in which the vacancy occurs. Within fifteen days after the vacancy occurs, the district shall submit a list of names of persons qualified to be a supervisor. If the unexpired term is for less than two years and ~~two~~ six months, the appointed person holds office until the expiration of the term. If the unexpired term is for more than two years and ~~two~~ six months, the appointed person holds the office until a successor is elected in the next primary or general election and qualified.

§19-21A-7. Supervisors to constitute governing body of district; qualifications and terms of supervisors; powers and duties; removal.

(a) The governing body of the district consists of the supervisors, appointed or elected, as provided in this article. The supervisors shall be persons who are by training and experience qualified to perform the specialized skilled services which are required of them in the performance of their duties under this section and shall be legal residents and landowners in the district.

(b) The supervisors shall designate a chairperson and may, from time to time, change the designation. On and after the election of

supervisors in 2008, the term of office of each elected supervisor is four years. A supervisor holds office until his or her successor has been elected or appointed. In case a new county is added to a district, the committee may appoint two supervisors to represent the county until the next regular election of supervisors for the district takes place.

(c) A supervisor is entitled to reasonable and necessary expenses and a per diem of not more than \$150 nor less than \$30 when engaged in the performance of his or her duties. The expense and per diem rate shall be established by the state committee based on availability of funds.

(d) The supervisors may, with the approval of the State Conservation Committee, employ a secretary, dam monitors, technical experts and any other officers, agents and employees, permanent and temporary, either with or without compensation, as they may require and shall determine their qualifications, duties and compensation, if any. Dam monitors, as specified in any emergency action plan or monitoring plan approved by the Department of Environmental Protection pursuant to its dam safety rules, pertaining to a flood control structure operated or maintained by a soil conservation district and any other employees, agents or officers employed pursuant to this section are “employees” of the district within the meaning of subsection (a), section three, article twelve-a, chapter twenty-nine of this code.

(e) The supervisors may delegate to their chairperson, to one or more supervisors or to one or more agents, or employees, those administrative powers and duties they consider proper. The supervisors shall furnish to the State Conservation Committee, upon request, copies of the ordinances, rules, orders, contracts, forms and other documents they adopt or employ and any other information concerning their activities required in the performance of State Conservation Committee’s duties under this article.

(f) The supervisors shall:

(1) Require the execution of surety bonds for all employees and officers who are entrusted with funds or property;

(2) Provide for the keeping of a full and accurate record of all proceedings and of all resolutions, rules and orders issued or adopted; and

(3) Provide for an annual audit of the accounts of receipts and disbursements.

(g) Any supervisor may be removed ~~by the state Conservation Committee upon notice and hearing for neglect of duty or malfeasance in office, but for no other reason~~ from office pursuant to section seven, article six, chapter six of this code.

(h) The supervisors may invite the legislative body of any municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors of a district on all questions of program and policy which may affect the property, water supply or other interests of the municipality or county.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 412—A Bill to amend and reenact §19-21A-6 and §19-21A-7 of the Code of West Virginia, 1931, as amended, all relating to county conservation district supervisors; extending unexpired terms when filling vacancies; and providing for the removal of elected county conservation district supervisors from office.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 412, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 412) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 412) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill No. 421, Exempting certain school mascot from prohibition of firearms possession on school grounds.

A message from The Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 430, Defining “employment term” in Teachers’ Defined Contribution Retirement System.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

Eng. Com. Sub. for Senate Bill No. 430—A Bill to amend and reenact §18-7B-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-7B-21, all relating to the Teachers’ Defined Contribution Retirement System; adding a definition of “employment term”; and providing for correction of errors by participating public employers and the Consolidated Public Retirement Board.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Committee Substitute for Senate Bill No. 430, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire,

Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 430) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 431, Relating to public employer liability for delinquent retirement contributions.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

Eng. Com. Sub. for Senate Bill No. 431—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-11, relating to the liability of a participating public employer and its successor to pay delinquent retirement contributions, delinquency fees and related costs; and providing for enforcement and collection of the costs by the Consolidated Public Retirement Board.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Committee Substitute for Senate Bill No. 431, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 431) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect July 1, 2013, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill No. 463, Increasing special license fee paid by pipeline companies to PSC.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the provisions of Engrossed Committee Substitute for House Bill No. 2722;

And,

Eng. Senate Bill No. 463—A Bill to amend and reenact §24B-5-3 of the Code of West Virginia, 1931, as amended, relating to the special license fees paid by pipeline companies to the Public Service Commission; increasing the aggregate amount of fees collected; and specifying for what purpose the fees may be used.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 463, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 463) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 463) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill No. 496, Finding and declaring certain claims against state.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page three, line thirty-one, by striking out the word “Romney” and inserting in lieu thereof the word “Ronney”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill No. 496, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 496) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 496) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill No. 571, Extending time Oceana City Council can meet as levying body.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect July 1, 2013, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 638, Terminating certain severance tax exemption for production of natural gas or oil.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On pages two and three, section twenty-two, lines ten through seventeen, by striking out all of subsection (b) and inserting in lieu thereof a new subsection, designated subsection (b), to read as follows:

(b) “Horizontally drilled well” means any well that is drilled using a “horizontal drilling” method as that term is defined in subdivision (5), subsection (b), section four, article six-a, chapter twenty-two of this code.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 638, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 638) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 638) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 11, Requesting DOH name portion of State Route 214 “Army Pvt. Parker Meikle Memorial Road”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 12, Requesting DOH name section of Lick Creek Road in Boone County “PFC Randall Bruce Miller Memorial Road”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 18, Requesting DOH name portion of State Route 20 in Wyoming County “David and Janet Lee Memorial Highway”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 34, Requesting DOH name bridge in Wayne County “Mavis Granny Castle Bridge”.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 108—Requesting the Division of Highways to name the bridge on County Route 3, Crawley Creek Road, Logan County, bridge number 23-3-4.31, the “Army Specialist Fourth Class Tommy Joe Belcher Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

At the request of Senator Chafin, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate then proceeded to the fourth order of business.

Senator Cookman, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 5th day of April, 2013, 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. No. 359), Relating generally to reforming public education.

(H. B. No. 2487), Prohibiting the use of laetrile.

(H. B. No. 2784), Relating to the Deputy Sheriff Retirement System Act.

And,

(H. B. No. 3013), Authorizing the establishment of job creation work groups.

Respectfully submitted,

Donald H. Cookman,
Chair, Senate Committee.
Danny Wells,
Chair, House Committee.

The Senate proceeded to the sixth order of business.

Senators Chafin, Kessler (Mr. President), Stollings, Williams, Cole, Carmichael and Unger offered the following resolution:

Senate Resolution No. 59—Congratulating the Tug Valley High School Boys' Basketball Team for winning the 2013 West Virginia Class A Basketball State Championship.

Whereas, Tug Valley High School is located in Naugatuck, in the County of Mingo, and has a proud tradition of academic and athletic excellence; and

Whereas, Tug Valley High School is the home of the Tug Valley Panthers Boys' Basketball Team; and

Whereas, The Tug Valley Panthers completed an amazing 2013 basketball season, finishing with a record of 25-3 and winning the Region III Section II Championship and the Region III Championship, qualifying them for the 2013 West Virginia State Basketball Tournament; and

Whereas, The Tug Valley High School athletic program is led by Principal Johnny Branch and Athletic Director Tony Clusky; and

Whereas, The Tug Valley Panthers are led by coaches Garland Thompson, Thomas Newsome, Stan Elkins and Tyler Hodge; and

Whereas, The Tug Valley team consists of players Austin Brewer, Corey Dillon, Aaron Muncy, Mikey Newsome, Thomas Baisden, Ethan Hager, Austin Baisden, Aaron Copley, Austin Kitchen, Dwayne Marcum, Shane Marcum, Kyle Newsome, Hayden Sturgell, Calvin Blankenship, Dylan Dotson, Corbin Oliver, Chandler Runyon and Tyler Workman; and

Whereas, Four team members were selected to the All-State Basketball Team for Class A; and

Whereas, Those All-State honorees were Austin Brewer and Mikey Newsome for First Team and Thomas Baisden and Aaron Muncy with Honorable Mention; and

Whereas, The Tug Valley Panthers displayed their strong will, fierce determination, camaraderie and faith for an entire season and will be remembered as the first boys' basketball team in West Virginia high school sports history to win two consecutive state championships, moving from one classification to another; and

Whereas, This historic milestone was accomplished in the 100th year of West Virginia high school basketball; and

Whereas, The Tug Valley Panthers were most ably supported by their classmates, faculty, families and community throughout the season, without whose generous support their historic season could not have been achieved; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Tug Valley High School Boys' Basketball Team for winning the 2013 West Virginia Class A Basketball State Championship; and, be it

Further Resolved, That the Senate acknowledges the dedication and commitment of each individual coach and player, which resulted in the Tug Valley Panthers' historic championship season; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Tug Valley Panthers Boys' Basketball Team.

At the request of Senator Chafin, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

Senators Unger, Snyder, Kessler (Mr. President), Stollings, Williams, McCabe, Wells and Carmichael offered the following resolution:

Senate Resolution No. 60—Designating April 8, 2013, as Jefferson County Day at the Capitol.

Whereas, Jefferson County Day at the Capitol is sponsored and founded by West Virginia Communication Outreach of Jefferson County, an all-volunteer, nonpolitical, nonpartisan, nondenominational outreach organization structured to help benefit and increase the communications between Jefferson County residents, local governments and West Virginia state government through fact finding and information sharing; and

Whereas, Jefferson County Day at the Capitol is represented in the areas of agriculture, arts and humanities, economic development, businesses, education, local governments and government agencies, emergency services, nonprofits, tourism, cultural heritage and recreation; and

Whereas, Jefferson County Day at the Capitol is encouraged in principle and supported fiscally through the Jefferson County Convention and Visitors Bureau, the Jefferson County commission and the Jefferson County Development Authority; and

Whereas, Jefferson County Day at the Capitol will continue on as an annual event through the efforts of West Virginia Communication Outreach of Jefferson County, West Virginia, Inc., being committed to developing and continuing to nurture an ongoing direct relationship between the residents of Jefferson County and the State of West Virginia, while continuing to meet

with West Virginia state legislators and developing relationships between counties to optimize our strengths and strengthen our weaknesses; therefore, be it

Resolved by the Senate:

That the Senate hereby designates April 8, 2013, as Jefferson County Day at the Capitol; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials representing Jefferson County Day at the Capitol.

At the request of Senator Unger, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

Petitions

Senator Plymale presented a petition from Adam Fridley and numerous West Virginia state college students, opposing state budget cuts to higher education.

Referred to the Committee on Education.

The Senate proceeded to the ninth order of business.

Eng. Com. Sub. for House Bill No. 2314, Authorizing a family court judge to order a child to be taken into custody in emergency situations.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill No. 2361, Relating to the definition of “eligible veteran” for certain state training and employment preference benefits.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill No. 2463, Repealing the article that permits the sterilization of persons deemed to be mentally incompetent.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2471, Prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Snyder, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the bill was withdrawn.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

**ARTICLE 5. DIVISION OF HOMELAND SECURITY AND
EMERGENCY MANAGEMENT.**

§15-5-6. Emergency powers of Governor.

The provisions of this section shall be operative only during the existence of a state of emergency. The existence of a state of emergency may be proclaimed by the Governor or by concurrent resolution of the Legislature if the Governor in such proclamation, or the Legislature in such resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural or man-made disaster of major proportions has actually occurred or is imminent within the state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section. Any such emergency, whether proclaimed by the Governor or by the Legislature, shall terminate upon the proclamation of the termination thereof by the Governor, or the passage by the Legislature of a concurrent resolution terminating such emergency.

So long as such state of emergency exists, the Governor shall have and may exercise the following additional emergency powers:

(a) To enforce all laws and rules ~~and regulations~~ relating to the provision of emergency services and to assume direct operational control of any or all emergency service forces and helpers in the state;

(b) To sell, lend, lease, give, transfer or deliver materials or perform functions relating to emergency services on such terms and conditions as he or she shall prescribe and without regard to the limitations of any existing law and to account to the State Treasurer for any funds received for such property;

(c) To procure materials and facilities for emergency services by purchase, condemnation under the provisions of chapter fifty-four of this code or seizure pending institution of condemnation proceedings within thirty days from the seizing thereof and to construct, lease, transport, store, maintain, renovate or distribute such materials and facilities. Compensation for property so procured shall be made in the manner provided in chapter fifty-four of this code;

(d) To obtain the services of necessary personnel, required during the emergency, and to compensate them for their services from his or her contingent funds or such other funds as may be available to him or her;

(e) To provide and compel the evacuation of all or part of the population from any stricken or threatened area within the state and to take such steps as are necessary for the receipt and care of such evacuees;

(f) To control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein;

(g) To suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules or regulations of any state agency, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency;

(h) To utilize such available resources of the state and of its political subdivisions as are reasonably necessary to cope with the emergency;

(i) To suspend or limit the sale, dispensing or transportation of alcoholic beverages, ~~firearms~~, explosives and combustibles;

(j) To make provision for the availability and use of temporary emergency housing; and

(k) To perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population.

No powers granted under this section may be interpreted to authorize ~~the seizure or confiscation of a firearm from a person unless that firearm is unlawfully possessed or unlawfully carried~~

by the person, or the person is otherwise engaged in a criminal act any action that would violate the prohibitions of section nineteen-a of this article.

§15-5-19a. Possession of firearms during a declared state of emergency.

(a) No person acting on behalf or under the authority of the state or a political subdivision of the state may do any of the following during any federal or state declared state of emergency:

(1) Prohibit or restrict the otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition;

(2) Seize, confiscate or authorize the seizure or confiscation of any otherwise lawfully possessed firearm or ammunition unless:

(A) The person acting on behalf of or under the authority of the state or political subdivision is:

(i) Defending himself or another from an assault; or

(ii) Arresting a person in actual possession of a firearm or ammunition for a violation of law; or

(B) The firearm or ammunition is being seized or confiscated as evidence of a crime; or

(3) Require registration of any firearm or ammunition.

(b) The prohibitions of subdivision (1), subsection (a) of this section do not prohibit the state or an authorized state or local authority from ordering and enforcing an evacuation or general closure of businesses in the affected area during a declared state of emergency.

(c) In addition to any other remedy at law or in equity, an individual aggrieved by the seizure or confiscation of a firearm or ammunition in violation of this section may bring an action for the return of such firearm or ammunition in the circuit court of the county in which that individual resides or in which such firearm or ammunition is located.

The bill (Eng. Com. Sub. for H. B. No. 2471), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2521, Relating to the West Virginia Contraband Forfeiture Act.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2553, Authorizing the Secretary of State to administratively dissolve certain business entities.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §31B-8-809 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §31B-10-1006 of said code be amended and reenacted; that §31D-14-1420 of said code be amended and reenacted; that §31D-15-1530 of said code be amended and reenacted; that §31E-13-1320 of said code be amended and reenacted; that §31E-14-1430 of said code be amended and reenacted; and that §59-1-2a of said code be amended and reenacted, all to read as follows:

**CHAPTER 31B. UNIFORM LIMITED LIABILITY
COMPANY ACT.**

ARTICLE 8. WINDING UP COMPANY'S BUSINESS.

§31B-8-809. Grounds for administrative dissolution.

The Secretary of State may commence a proceeding to administratively dissolve a limited liability company administratively if: the company does not:

(1) ~~Pay~~ The company fails to pay any fees, taxes or penalties imposed by this chapter or other law within sixty days after they are due;

(2) ~~Deliver~~ The company fails to deliver its annual report to the Secretary of State within sixty days after it is due;

(3) The professional license of one or more of the license holders is revoked by a professional licensing board and the license is or all the licenses are required for the continued operation of the company; or

(4) The company is in default with the Bureau of Employment Programs as provided in section six, article two, chapter twenty-one-a of this code.

**ARTICLE 10. FOREIGN LIMITED LIABILITY
COMPANIES.**

**§31B-10-1006. Revocation and reinstatement of certificate of
authority.**

(a) A certificate of authority of a foreign limited liability company to transact business in this state may be revoked by the Secretary of State in the manner provided in subsection (b) of this section if:

(1) The company fails to:

(i) Pay any fees, taxes and penalties owed to this state;

(ii) Deliver its annual report required under section 2-211 to the Secretary of State within sixty days after it is due; or

(iii) File a statement of a change in the name or business address of the agent as required by this article; or

(2) A misrepresentation has been made of any material matter in any application, report, affidavit or other record submitted by the company pursuant to this article;

(3) The professional license of one or more of the license holders is revoked by a professional licensing board and the license is or all the licenses are required for the continued operation of the company; or

(4) The company is in default with the Bureau of Employment Programs as provided in section six, article two, chapter twenty-one-a of this code.

(b) The Secretary of State may not revoke a certificate of authority of a foreign limited liability company unless the Secretary of State sends the company notice of the revocation, at least sixty days before its effective date, by a record addressed to its principal office. The notice must specify the cause for the revocation of the certificate of authority. The authority of the company to transact business in this state ceases on the effective date of the revocation unless the foreign limited liability company cures the failure before that date.

(c) A foreign limited liability company administratively revoked may apply to the Secretary of State for reinstatement within two years after the effective date of revocation. The application must:

(1) Recite the name of the company and the effective date of its administrative revocation; (2) state that the ground for revocation either did not exist or has been eliminated; (3) state that the company's name satisfies the requirements of section 10-1005; and (4) contain a certificate from the Tax Commissioner reciting that all taxes owed by the company have been paid.

(d) If the Secretary of State determines that the application contains the information required by subsection (a) of this section and that the information is correct, the Secretary of State shall cancel the certificate of revocation and prepare a certificate of reinstatement that recites this determination and the effective date of reinstatement, file the original of the certificate and serve the company with a copy of the certificate.

(e) When reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative revocation and the company may resume its business as if the administrative revocation had never occurred.

CHAPTER 31D. WEST VIRGINIA BUSINESS CORPORATION ACT.

ARTICLE 14. DISSOLUTION.

PART II. ADMINISTRATIVE DISSOLUTION.

§31D-14-1420. Grounds for administrative dissolution.

The Secretary of State may commence a proceeding under section one thousand four hundred twenty-one of this article to administratively dissolve a corporation if:

(1) The corporation does not pay within sixty days after they are due any fees, franchise taxes or penalties imposed by this chapter or other law;

(2) The corporation does not notify the Secretary of State within sixty days that its registered agent or registered office has been changed, that its registered agent has resigned or that its registered office has been discontinued; ~~or~~

(3) The corporation's period of duration stated in its articles of incorporation expires;

(4) The professional license of one or more of the license holders is revoked by a professional licensing board and the license is or all the licenses are required for the continued operation of the corporation; or

(5) The corporation is in default with the Bureau of Employment Programs as provided in section six, article two, chapter twenty-one-a of this code.

ARTICLE 15. FOREIGN CORPORATIONS.

PART III. REVOCATION OF CERTIFICATE OF AUTHORITY.

§31D-15-1530. Grounds for revocation.

The Secretary of State may commence a proceeding under section one thousand five hundred thirty-one of this article to revoke the certificate of authority of a foreign corporation authorized to transact business in this state if:

(1) The foreign corporation does not pay within sixty days after they are due any fees, franchise taxes or penalties imposed by this chapter or other law;

(2) The foreign corporation does not inform the Secretary of State under section one thousand five hundred eight or one thousand five hundred nine of this article that its registered agent or registered office has changed, that its registered agent has resigned or that its registered office has been discontinued within sixty days of the change, resignation or discontinuance;

(3) An incorporator, director, officer or agent of the foreign corporation signed a document he or she knew was false in any material respect with intent that the document be delivered to the Secretary of State for filing; or

(4) The Secretary of State receives a duly authenticated certificate from the Secretary of State or other official having custody of corporate records in the state or country under whose law the foreign corporation is incorporated stating that it has been dissolved or disappeared as the result of a merger;

(5) The professional license of one or more of the license holders is revoked by a professional licensing board and the license is or all the licenses are required for the continued operation of the foreign corporation; or

(6) The foreign corporation is in default with the Bureau of Employment Programs as provided in section six, article two, chapter twenty-one-a of this code.

CHAPTER 31E. WEST VIRGINIA NONPROFIT CORPORATION ACT.

ARTICLE 13. DISSOLUTION.

PART II. ADMINISTRATIVE DISSOLUTION.

§31E-13-1320. Grounds for administrative dissolution.

The Secretary of State may commence a proceeding under section one thousand three hundred twenty-one of this article to administratively dissolve a corporation if:

(1) The corporation does not pay within sixty days after they are due any fees, franchise taxes or penalties imposed by this chapter or other law;

(2) The corporation does not notify the Secretary of State within sixty days that its registered agent or registered office has been changed, that its registered agent has resigned or that its registered office has been discontinued; or

(3) The corporation's period of duration stated in its articles of incorporation expires;

(4) The professional license of one or more of the license holders is revoked by a professional licensing board and the license is or all the licenses are required for the continued operation of the nonprofit entity; or

(5) The corporation is in default with the Bureau of Employment Programs as provided in section six, article two, chapter twenty-one-a of this code.

ARTICLE 14. FOREIGN CORPORATIONS.

PART III. REVOCATION OF CERTIFICATE OF AUTHORITY.

§31E-14-1430. Grounds for revocation.

The Secretary of State may commence a proceeding under section one thousand four hundred thirty-one of this article to revoke the certificate of authority of a foreign corporation authorized to conduct activities in this state if:

(1) The foreign corporation does not pay within sixty days after they are due any fees, franchise taxes or penalties imposed by this chapter or other law;

(2) The foreign corporation does not inform the Secretary of State under sections one thousand four hundred eight or one thousand four hundred nine of this article that its registered agent or registered office has changed, that its registered agent has resigned, or that its registered office has been discontinued within sixty days of the change, resignation or discontinuance;

(3) An incorporator, director, officer or agent of the foreign corporation signed a document he or she knew was false in any material respect with intent that the document be delivered to the Secretary of State for filing; or

(4) The Secretary of State receives a duly authenticated certificate from the Secretary of State or other official having custody of corporate records in the state or country under whose law the foreign corporation is incorporated stating that it has been dissolved or disappeared as the result of a merger;

(5) The professional license of one or more of the license holders is revoked by a professional licensing board and the license is or all the licenses are required for the continued operation of the corporation; or

(6) The foreign corporation is in default with the Bureau of Employment Programs as provided in section six, article two, chapter twenty-one-a of this code.

CHAPTER 59. FEES, ALLOWANCES AND COSTS; NEWSPAPERS; LEGAL ADVERTISEMENTS.

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-2a. Annual business fees to be paid to the Secretary of State; filing of annual reports; purchase of data.

(a) *Definitions.* – As used in this section:

(1) “Annual report fee” means the fee described in subsection (c) of this section that is to be paid to the Secretary of State each year by corporations, limited partnerships, domestic limited liability companies and foreign limited liability companies. After June 30, 2008, any reference in this code to a fee paid to the Secretary of State for services as a statutory attorney in fact shall mean the annual report fee described in this section.

(2) “Business activity” means all activities engaged in or caused to be engaged in with the object of gain or economic benefit, direct or indirect, but does not mean any of the activities of foreign corporations enumerated in subsection (b), section one thousand five hundred one, article fifteen, chapter thirty-one-d of this code, except for the activity of conducting affairs in interstate commerce when activity occurs in this state, nor does it mean any of the activities of foreign limited liability companies enumerated in subsection (a), section one thousand three, article ten, chapter thirty-one-b of this code except for the activity of conducting affairs in interstate commerce when activity occurs in this state.

(3) “Corporation” means a “domestic corporation”, a “foreign corporation” or a “nonprofit corporation”.

(4) “Deliver or delivery” means any method of delivery used in conventional commercial practice, including, but not limited to, delivery by hand, mail, commercial delivery and electronic transmission.

(5) “Domestic corporation” means a corporation for profit which is not a foreign corporation incorporated under or subject to chapter thirty-one-d of this code.

(6) “Domestic limited liability company” means a limited liability company which is not a foreign limited liability company under or subject to chapter thirty-one-b of this code.

(7) “Foreign corporation” means a for-profit corporation incorporated under a law other than the laws of this state.

(8) “Foreign limited liability company” means a limited liability company organized under a law other than the laws of this state.

(9) “Limited partnership” means a partnership as defined by section one, article nine, chapter forty-seven of this code.

(10) “Nonprofit corporation” means a nonprofit corporation as defined by section one hundred fifty, article one, chapter thirty-one-e of this code.

(11) “Registration fee” means the fee for the issuance of a certificate relating to the initial registration of a corporation, limited partnership, domestic limited liability company or foreign limited liability company described in subdivision (2), subsection (a), section two of this article. The term “initial registration” also means the date upon which the registration fee is paid.

(b) Required payment of annual report fee and filing of annual report. – After June 30, 2008, no corporation, limited partnership, domestic limited liability company or foreign limited liability company may engage in any business activity in this state without paying the annual report fee and filing the annual report as required by this section.

(c) Annual report fee. – After June 30, 2008, each corporation, limited partnership, domestic limited liability company and foreign limited liability company engaged in or authorized to do business in this state shall pay an annual report fee of \$25 for the services of the Secretary of State as attorney-in-fact for the corporation, limited partnership, domestic limited liability company or foreign limited liability company, and for such other administrative services as may be imposed by law upon the Secretary of State. The fee is due and payable each year after the initial registration of the corporation, limited partnership, domestic limited liability company or foreign limited liability company with the annual report described in subsection (d) of this section on or before the dates specified in subsection (e) of this section. The fee is due and payable each year with the annual report from corporations, limited partnerships, domestic limited liability companies and foreign limited liability companies that paid the registration fee prior to July 1, 2008, on or before the dates specified in subsection (e) of this section. The annual report fees received by the Secretary of State pursuant to

this subsection shall be deposited by the Secretary of State in the general administrative fees account established by section two of this article.

(d) *Annual report.* – (1) After June 30, 2008, each corporation, limited partnership, domestic limited liability company and foreign limited liability company engaged in or authorized to do business in this state shall file an annual report. The report is due each year after the initial registration of the corporation, limited partnership, domestic limited liability company or foreign limited liability company with the annual report fee described in subsection (c) of this section on or before the dates specified in subsection (e) of this section. The report is due each year from corporations, limited partnerships, domestic limited liability companies and foreign limited liability companies that paid the registration fee prior to July 1, 2008, on or before the dates specified in subsection (e) of this section.

(2) (A) The annual report shall be filed with the Secretary of State on forms provided by the Secretary of State for that purpose. The annual report shall, in the case of corporations, contain: (i) The address of the corporation's principal office; (ii) the names and mailing addresses of its officers and directors; (iii) the name and mailing address of the person on whom notice of process may be served; (iv) the name and address of the corporation's parent corporation and of each subsidiary of the corporation licensed to do business in this state; (v) in the case of limited partnerships domestic limited liability companies and foreign limited liability companies, similar information with respect to their principal or controlling interests as determined by the Secretary of State or otherwise required by law to be reported to the Secretary of State; (vi) the county or county code in which the principal office address or mailing address of the company is located; (vii) business class code; and (viii) any other information the Secretary of State considers appropriate.

(B) Notwithstanding any other provision of law to the contrary, the Secretary of State shall, upon request of any person, disclose,

with respect to corporations: (i) The address of the corporation's principal office; (ii) the names and addresses of its officers and directors; (iii) the name and mailing address of the person on whom notice of process may be served; (iv) the name and address of each subsidiary of the corporation and the corporation's parent corporation; (v) the county or county code in which the principal office address or mailing address of the company is located; and (vi) the business class code. The Secretary of State shall provide similar information with respect to information in its possession relating to limited partnerships domestic limited liability companies and foreign limited liability companies, similar information with respect to their principal or controlling interests.

(e) *Annual reports and fees due July 1.* – Each domestic and foreign corporation, limited partnership, limited liability company and foreign limited liability company shall file with the Secretary of State the annual report and pay the annual report fee by July 1 of each year.

(f) *Deposit of fees.* – The annual report fees received by the Secretary of State pursuant to this section shall be deposited by the Secretary of State in the general administrative fees account established by section two, article one, chapter fifty-nine of this code.

(g) (1) *Duty to pay.* – It shall be the duty of each corporation, limited partnership, limited liability company and foreign limited liability company required to pay the annual report fees imposed under this article, to remit them with a properly completed annual report to the Secretary of State, and if it fails to do so it shall be subject to the late fees prescribed in subsection (h) of this article and dissolution or revocation, pursuant to this code: *Provided, That before dissolution or revocation for failure to pay fees may occur, the Secretary of State shall notify the entity by certified mail, return receipt requested, of its failure to pay, all late fees or bad check fees associated with the failure to pay and the date upon which dissolution or revocation will occur if all fees are not paid in full.*

The certified mail required by this subdivision shall be postmarked at least thirty days before the dissolution or revocation date listed in the notice.

(2) *Bad check fee.* – If any corporation, limited partnership, limited liability company or foreign limited liability company submits payment by check or money order for the annual report fee imposed under this article and the check or money order is rejected because there are insufficient funds in the account or the account is closed, the Secretary of State shall assess a bad check fee to the corporation, limited partnership, limited liability company or foreign limited liability company that is equivalent to the service charge paid by the Secretary of State due to the rejected check or money order. The bad check fee assessed under this subdivision shall be deposited into the account or accounts from which the Secretary of State paid the service charge.

(h) *Late fees.* – (1) The following late fees shall be in addition to any other penalties and remedies available elsewhere in this code:

(A) *Administrative late fee.* – The Secretary of State shall assess upon each corporation, limited partnership, limited liability company and foreign limited liability company delinquent in the payment of an annual report fee or the filing of an annual report an administrative late fee in the amount of \$50.

(B) *Administrative late fees for nonprofit corporations.* – The Secretary of State shall assess each nonprofit corporation delinquent in the payment of an annual report fee or the filing of an annual report an administrative late fee in the amount of \$25.

(2) The Secretary of State shall deposit the first \$25,000 of fees collected under this subsection into the general administrative fees account established in subsection (h), section two of this article, and shall deposit any additional fees collected under this section into the General Revenue Fund of the state.

(i) *Reports to Tax Commissioner; suspension, cancellation or withholding of business registration certificate.* –

(1) The Secretary of State shall, within twenty days after the close of each month, make a report to the Tax Commissioner for the preceding month, in which he or she shall set out the name of every business entity to which he or she issued a certificate to conduct business in the State of West Virginia during that month. The report shall set out the names and addresses all corporations, limited partnerships, limited liability companies and foreign limited liability companies to which he or she issued certificates of change of name or of change of location of principal office, dissolution, withdrawal or merger. If the Secretary of State fails to make the report, it shall be the duty of the Tax Commissioner to report such failure to the Governor. A writ of mandamus shall lie for correction of such failure.

(2) Notwithstanding any other provisions of this code to the contrary, upon receipt of notice from the Secretary of State that a corporation, limited partnership, limited liability company and foreign limited liability company is more than thirty days delinquent in the payment of annual report fees or in the filing of an annual report required by this section, the Tax Commissioner may suspend, cancel or withhold a business registration certificate issued to or applied for by the delinquent corporation, limited partnership, limited liability company or foreign limited liability company until the same is paid and filed in the manner provided for the suspension, cancellation or withholding of business registration certificates for other reasons under article twelve, chapter eleven of this code.

(j) *Purchase of data.* – The Secretary of State will provide electronically, for purchase, any data maintained in the Secretary of State's Business Organizations Database. For the electronic purchase of the entire Business Organizations Database, the cost is \$12,000. For the purchase of the monthly updates of the Business Organizations Database, the cost is \$1,000 per month. The fees

received by the Secretary of State pursuant to this subsection shall be deposited by the Secretary of State in the general administrative fees account established by section two, article one, chapter fifty-nine of this code.

(k) The Secretary of State is authorized to collect the service fee per transaction, if any, charged for an online service from any customer who purchases data or conducts transactions through an online service.

(l) *Rules.* – The Secretary of State may propose legislative rules for promulgation pursuant to article three, chapter twenty-nine-a of this code to implement this article, and may, pending promulgation of those rules, promulgate emergency rules pursuant to those provisions for those purposes.

The bill (Eng. Com. Sub. for H. B. No. 2553), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2585, Increasing the time to file a petition in response to notice of an increased assessment.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on the Judiciary, were reported by the Clerk, considered simultaneously, and adopted:

On page three, section fifteen-c, line thirty-five, after the word “section.” by adding the following: For purposes of this section, “business day” means a day on which state offices are open for business.;

And,

On page four, section fifteen-d, line seven, after the word “Commissioner.” by inserting the following: For purposes of this

section, “business day” means a day on which state offices are open for business.

The bill (Eng. Com. Sub. for H. B. No. 2585), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2652, Authorizing the Department of Administration to promulgate legislative rules.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on the Judiciary, were reported by the Clerk, considered simultaneously, and adopted:

On page eight, section two, line seventy-three, after the word “authorized” by striking out the period and inserting the following: with the following amendment:

On page three, subsection 8.1., after the word “System” by changing the period to a colon and inserting the following proviso: And provided further, That beginning July 1, 2013, each participating public employer shall contribute fourteen and five-tenths percent (14.5%) of each compensation payment of all its employees who are members of the Public Employees Retirement System.;

And,

On page eight, section two, after line seventy-nine, by inserting the following:

On page eight, subsection 14.1., after the word “System” by changing the period to a colon and inserting the following: “And provided further, That beginning July 1, 2013, the West Virginia State Police shall contribute fourteen and five-tenths percent

(14.5%) of the monthly salary of each member of the West Virginia State Police Retirement System to the West Virginia State Police Retirement System.

And,”.

The bill (Eng. Com. Sub. for H. B. No. 2652), as amended, was then ordered to third reading.

Eng. House Bill No. 2729, Allowing schools to voluntarily maintain and use epinephrine auto-injectors.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2858, Relating generally to consumer rate relief bonds.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2923, Relating to directors of state-chartered banking institutions.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2940, Relating to regional meetings among certain officials of county boards of education.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill No. 3028, Expanding the number of hours temporary state personnel may work in a calendar year.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 3086, Relating to juvenile services and criminal justice institutions.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Snyder, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the provisions of Engrossed Committee Substitute for Senate Bill No. 610.

The bill (Eng. Com. Sub. for H. B. No. 3086), as amended, was then ordered to third reading.

Eng. House Bill No. 3104, Authorizing certain legislative rules regarding higher education.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Eng. Com. Sub. for House Bill No. 2108, Making the offense of failure to wear safety belts a primary offense.

Eng. Com. Sub. for House Bill No. 2395, Relating to senior services.

Eng. Com. Sub. for House Bill No. 2815, Clarifying and modifying the process of appointing and terminating guardians for minors.

Eng. House Bill No. 2992, Eliminating duplicative reporting requirements imposed on distributors of imported cigarettes.

Eng. Com. Sub. for House Bill No. 3003, Facilitating compliance with the Tobacco Master Settlement Agreement.

And,

Eng. House Bill No. 3159, Granting exceptions from certain compulsory attendance statutes to the Monroe and Nicholas County school systems.

On motion of Senator Unger, a leave of absence for the day was granted Senator Blair.

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Tuesday, April 9, 2013, at 11 a.m.

TUESDAY, APRIL 9, 2013

The Senate met at 11 a.m.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by Dr. Gordon Fenlason, Assistant Pastor, Cross Lanes Bible Church, and Administrator, Cross Lanes Christian School, Cross Lanes, West Virginia.

Pending the reading of the Journal of Monday, April 8, 2013,

On motion of Senator Barnes, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 145, Amending election complaint procedures.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page three, section fifty, line nineteen, after the word “chapter” by inserting the words “or Title III of the Help America Vote Act, Pub. L. 107-252”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 145, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair-1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 145) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill No. 458, Permitting PEIA health plans to operate on calendar-year basis.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

**ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES
INSURANCE ACT.**

**§5-16-3. Composition of Public Employees Insurance Agency;
appointment, qualification, compensation and
duties of Director of Agency; employees; civil
service coverage.**

(a) The Public Employees Insurance Agency consists of the director, the Finance Board, the Advisory Board and any employees

who may be authorized by law. The director shall be appointed by the Governor, with the advice and consent of the Senate, and serves at the will and pleasure of the Governor. The director shall have at least three years' experience in health or governmental health benefit administration as his or her primary employment duty prior to appointment as director. The director shall receive actual expenses incurred in the performance of official business. The director shall employ any administrative, technical and clerical employees required for the proper administration of the programs provided in this article. The director shall perform the duties that are required of him or her under the provisions of this article and is the Chief Administrative Officer of the Public Employees Insurance Agency. The director may employ a deputy director.

(b) Except for the director, his or her personal secretary, the deputy director and the chief financial officer, all positions in the agency shall be included in the classified service of the civil service system pursuant to article six, chapter twenty-nine of this code.

(c) The director is responsible for the administration and management of the Public Employees Insurance Agency as provided in this article and in connection with his or her responsibility may make all rules necessary to effectuate the provisions of this article. Nothing in section four or five of this article limits the director's ability to manage on a day-to-day basis the group insurance plans required or authorized by this article, including, but not limited to, administrative contracting, studies, analyses and audits, eligibility determinations, utilization management provisions and incentives, provider negotiations, provider contracting and payment, designation of covered and noncovered services, offering of additional coverage options or cost containment incentives, pursuit of coordination of benefits and subrogation or any other actions which would serve to implement the plan or plans designed by the Finance Board. The director is to function as a benefits management professional and should avoid political involvement in managing the affairs of the Public Employees Insurance Agency.

(d) The director may, if it is financially advantageous to the state, operate the Medicare retiree health benefit plan offered by the agency based on a plan year that runs concurrent with the calendar year. Financial plans as addressed in section five of this article shall continue to be on a fiscal-year basis.

~~(d)~~ (e) The director should make every effort to evaluate and administer programs to improve quality, improve health status of members, develop innovative payment methodologies, manage health care delivery costs, evaluate effective benefit designs, evaluate cost sharing and benefit-based programs and adopt effective industry programs that can manage the long-term effectiveness and costs for the programs at the Public Employees Insurance Agency to include, but not be limited to:

(1) Increasing generic fill rates;

(2) Managing specialty pharmacy costs;

(3) Implementing and evaluating medical home models and health care delivery;

(4) Coordinating with providers, private insurance carriers and to the extent possible Medicare to encourage the establishment of cost-effective accountable care organizations;

(5) Exploring and developing advanced payment methodologies for care delivery such as case rates, capitation and other potential risk-sharing models and partial risk-sharing models for accountable care organizations and/or medical homes;

(6) Adopting measures identified by the Centers for Medicare and Medicaid Services to reduce cost and enhance quality;

(7) Evaluating the expenditures to reduce excessive use of emergency room visits, imaging services and other drivers of the agency's medical rate of inflation;

(8) Recommending cutting-edge benefit designs to the Finance Board to drive behavior and control costs for the plans;

(9) Implementing programs to encourage the use of the most efficient and high-quality providers by employees and retired employees;

(10) Identifying employees and retired employees who have multiple chronic illnesses and initiating programs to coordinate the care of these patients;

(11) Initiating steps by the agency to adjust payment by the agency for the treatment of hospital acquired infections and related events consistent with the payment policies, operational guidelines and implementation timetable established by the Centers of Medicare and Medicaid Services. The agency shall protect employees and retired employees from any adjustment in payment for hospital acquired infections; and

(12) Initiating steps by the agency to reduce the number of employees and retired employees who experience avoidable readmissions to a hospital for the same diagnosis-related group illness within thirty days of being discharged by a hospital in this state or another state consistent with the payment policies, operational guidelines and implementation timetable established by the Centers of Medicare and Medicaid Services.

~~(e)~~ (f) The director shall issue an annual progress report to the Joint Committee on Government and Finance on the implementation of any reforms initiated pursuant to this section and other initiatives developed by the agency.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 458—A Bill to amend and reenact §5-16-3 of the Code of West Virginia, 1931, as amended, relating to health benefit plans; permitting the Director of the Public Employees Insurance Agency to operate the Medicare retiree health benefits plans on a calendar year; requiring certain conditions; and providing that financial plans shall continue to be on a fiscal year-basis.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 458, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 458) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: None.

Absent: Blair-1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 458) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Executive Communications

Senator Kessler (Mr. President) laid before the Senate the following communication from His Excellency, the Governor:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 8, 2013

Senate Executive Message No. 5

TO: The Honorable Members of the
West Virginia Senate

Ladies and Gentlemen:

I respectfully request that the following corrections be made from Senate Executive Message No. 2 dated February 18, 2013:

30. For Member, Fairmont State University Board of Governors, Dr. Chris Courtney, Bridgeport, Harrison County, for the term ending June 30, 2016.

31. For Member, Fairmont State University Board of Governors, Ron Tucker, Fairmont, Marion County, for the term ending June 30, 2016.

32. For Member, Fairmont State University Board of Governors, Mark Pallotta, Fairmont, Marion County, for the term ending June 30, 2016.

Thank you for correcting your records.

Sincerely,

Earl Ray Tomblin,
Governor.

Which communication was received and referred to the Committee on Confirmations.

The Senate proceeded to the fourth order of business.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill No. 665 (originating in the Committee on Finance)—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2013, in the amount of \$6,500,000 from the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2013, organization 1500, 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 Attorney General, fund 0150, fiscal year 2013, organization 1500, and to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund

0525, fiscal year 2013, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution No. 38, Requesting Joint Committee on Government and Finance study Moving Ahead for Progress in 21st Century program.

And reports the same back with the recommendation that it be adopted; but under the original double committee reference first be referred to the Committee on Rules.

Respectfully submitted,

Robert D. Beach,
Chair.

The resolution, under the original double committee reference, was then referred to the Committee on Rules.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Resolution No. 24, Opposing US Supreme Court's interpretation of Constitution in *Citizens United v. Federal Election Commission*.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Resolution No. 24 (originating in the Committee on the Judiciary)—Calling upon the United States Congress to propose a constitutional amendment overturning the United States Supreme Court's *Citizens United v. Federal Election Commission* ruling and related cases.

Whereas, In 2010, the United States Supreme Court issued its ruling in *Citizens United v. Federal Election Commission* that enabled corporations and unions to spend unlimited amounts of money to influence the outcome of our elections; and

Whereas, A subsequent ruling, *Speechnow.org v. Federal Election Commission*, opened the door for individual donors to spend unlimited amounts as well; and

Whereas, The use of so-called Super PACs by wealthy individuals and special interests nationally has driven up the cost of elections to over \$6 billion in the federal elections alone and reduced local voices in the democratic process; and

Whereas, In 2012, based upon *Citizens United*, the U. S. Supreme Court struck down a century-old long-standing Montana campaign finance law, denying states the right to regulate their elections in accordance with their experience of the corrupting influence of money in politics; and

Whereas, The people of West Virginia and all other states should have the power to limit by law the influence of money in their political systems; and

Whereas, On Election Day, 2012, over six million voters across the United States had the opportunity to vote on state and local ballot measures, including the states of Montana and Colorado, calling for a constitutional amendment to limit money in politics, including the entire states of Montana and Colorado, and all proposed resolutions passed with overwhelming and bipartisan support, averaging seventy-five percent of voters in favor; therefore, be it

Resolved by the Senate:

That the Senate calls upon the United States Congress to propose a constitutional amendment overturning the United States Supreme Court's *Citizens United v. Federal Election Commission* ruling and related cases; and, be it

Further Resolved, That the West Virginia Senate supports an amendment to the United States Constitution to establish that corporations and unions are not entitled to the same rights and protections as natural persons under the Constitution; and, be it

Further Resolved, That such an amendment should assure the power of the federal, state and local governments to limit, regulate and require disclosure of sources of all money spent to influence elections; and, be it

Further Resolved, That the West Virginia Senate requests that the West Virginia Congressional Delegation support such an amendment, work diligently towards its passage and vote at all stages to advance such legislation in the Congress; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Vice President of the United States and the President *pro Tempore* of the United States Senate, to the Speaker of the House of Representatives, to the majority and minority leaders of both houses of Congress and to each United States Senator and Member of the House of Representatives from West Virginia.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2046, Requiring wireless telecommunications companies to release location information of a missing person's cell phone in a timely manner; the "Kelsey Smith Act".

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Tucker, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Eng. House Bill No. 2158, Relating to the provision of financially-related services by banks and bank holding companies.

And,

Eng. Com. Sub. for House Bill No. 2819, Relating to the financial oversight of entities regulated by the Insurance Commissioner.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Gregory A. Tucker,
Chair.

Engrossed House Bill No. 2158, under the original double committee reference, was then referred to the Committee on the Judiciary.

At the request of Senator Palumbo, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of Engrossed Committee Substitute for House Bill No. 2819 contained in the foregoing report from the Committee on Banking and Insurance.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2351, Authorizing law enforcement to issue a charge by citation when making an arrest for driving with a suspended or revoked license.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Miller, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Eng. Com. Sub. for House Bill No. 2399, Protecting livestock in dire or extreme condition.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Ronald F. Miller,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2431, Modifying the application process for obtaining a state license to carry a concealed deadly weapon.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2453, Expanding the Amber Alert Plan; “SKYLAR’S LAW”.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Wells, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Eng. Com. Sub. for House Bill No. 2490, Providing for the appointment of veterans advocates at state institutions of higher education.

And has amended same.

And,

Eng. Com. Sub. for House Bill No. 2491, Establishing a uniform policy for students enrolled in institutions of higher education who are called up for duty in the military.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on Education.

Respectfully submitted,

Erik P. Wells,
Chair.

At the request of Senator Wells, unanimous consent being granted, Engrossed Committee Substitute for House Bill No. 2490 contained in the preceding report from the Committee on Military was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Education, with an amendment from the Committee on Military pending.

Engrossed Committee Substitute for House Bill No. 2491, under the original double committee reference, was then referred to the Committee on Education, with an amendment from the Committee on Military pending.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2505, Increasing civil penalties imposed by the Public Service Commission for pipeline safety violations.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill No. 2508, Changing the capital investment threshold amount.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Eng. Com. Sub. for House Bill No. 2513, Improving enforcement of drugged driving offenses.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert D. Beach,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill No. 2514, Lowering the total amount of tax credits available under the Film Industry Investment Act.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill No. 2516, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. House Bill No. 2542, Relating to publication of the State Register.

And has amended same.

And,

Eng. Com. Sub. for House Bill No. 2979, Relating to broadband deployment projects.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Prezioso, as chair of the Committee on Finance, unanimous consent was granted to dispense with the

second committee references of the bills contained in the foregoing report from the Committee on Government Organization.

At the request of Senator Snyder, and by unanimous consent, the bills (Eng. H. B. No. 2542 and Eng. Com. Sub. for H. B. No. 2979) were each taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2548, Increasing the criminal penalties for assaults and batteries against athletic officials.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill No. 2571, Relating to who may serve as members of the environmental quality board.

And has amended same.

And,

Eng. Com. Sub. for House Bill No. 2747, Relating to Open Governmental Proceedings.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. Nos. 2571 and 2747) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee references, were then referred to the Committee on the Judiciary, with amendments from the Committee on Government Organization pending.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2579, Revising state water quality standard for Selenium.

With an amendment from the Committee on Energy, Industry and Mining pending;

And has also amended same.

And reports the same back with the recommendation that it do pass as last amended by the Committee on the Judiciary.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Tucker, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Eng. Com. Sub. for House Bill No. 2608, Requiring appraisal management companies to be registered.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Gregory A. Tucker,
Chair.

At the request of Senator Palumbo, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Banking and Insurance.

Senator Tucker, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Eng. Com. Sub. for House Bill No. 2762, Creating an exemption from licensure as an adjuster for certain individuals who conduct data entry into an automated claims adjudication system.

And has amended same.

And,

Eng. Com. Sub. for House Bill No. 2960, Providing for internal and external review of adverse health coverage determinations.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Gregory A. Tucker,
Chair.

At the request of Senator Palumbo, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee references of the bills contained in the foregoing report from the Committee on Banking and Insurance.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2805, Making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2805) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration.

On motion of Senator Palumbo, the bill was referred to the Committee on Finance.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2806, Relating to administrative remedies for prisoners generally.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. House Bill No. 2842, Clarifying that time-sharing plans, accommodations and facilities are subject to regulation by the Division of Land Sales and Condominiums.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bill (Eng. H. B. No. 2842) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill No. 2913, Specifying procedures for adjusting payments to correct for an erroneous distribution of moneys dedicated, distributed or directed to a state or local governmental subdivision.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Miller, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Eng. Com. Sub. for House Bill No. 3062, Removing the cap for collections into the land division special revenue account of the Department of Agriculture.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Ronald F. Miller,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Agriculture and Rural Development pending.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill No. 3161, Repealing section relating to additional fee to be collected for each marriage license issued.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

Senators Williams, Laird, Unger, Kessler (Mr. President), D. Hall, Snyder, Jenkins, McCabe and Stollings offered the following resolution:

Senate Concurrent Resolution No. 44—Requesting the Joint Committee on Government and Finance to study the safeguarding of older West Virginians against abuse, fraud and financial exploitation; the strengthening of protection against such crimes through reviewing and updating state laws; how other states define financial exploitation and how we may integrate certain elements of such other states' laws into West Virginia law; and whether current law provides county prosecutors with the tools they need to track down and expose scams having an impact on older West Virginians.

Whereas, Research shows that as many as two million older citizens are abused in the United States, and as a government, as a society and as individuals, we must increase our efforts to ensure that all older West Virginians age with dignity and honor; and

Whereas, The majority of exploiters and abusers are strangers, such as telemarketing scammers going after credit card or Social Security numbers, paid caregivers or “sweethearts” – con artists

who prey on lonely elderly; after that, it is friends, neighbors or family members; and then it is unscrupulous professionals, such as accountants, financial planners, bankers, lawyers, physicians and contractors; and

Whereas, The West Virginia Legislature is working to help safeguard older West Virginians against abuse, fraud and financial exploitation; and

Whereas, The National Center on Elder Abuse and the West Virginia Financial Exploitation Workgroup works to provide up-to-date information regarding research, training, best practices, news and resources on elder abuse, neglect and financial exploitation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the safeguarding of older West Virginians against abuse, fraud and financial exploitation; the strengthening of protection against such crimes through reviewing and updating state laws; how other states define financial exploitation and how we may integrate certain elements of such other states' laws into West Virginia law; and whether current law provides county prosecutors with the tools they need to track down and expose scams having an impact on older West Virginians; and, be it

Further Resolved, That the assistance of the National Center on Elder Abuse and the West Virginia Financial Exploitation Workgroup be requested in carrying out this study; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

Which, under the rules, lies over one day.

Senators Jenkins, Unger, Kessler (Mr. President), D. Hall, Williams, Wells and Stollings offered the following resolution:

Senate Resolution No. 61—Congratulating the Cabell Midland High School Show Choir, Rhythm in Red, for winning the 2013 West Virginia Music Educators Association State Show Choir Championship.

Whereas, Over the decades, high school glee clubs have evolved into sophisticated show choirs featuring both song and choreographed dance numbers, and the competition is fierce among these talented and dedicated choirs; and

Whereas, This talent and dedication is evident in Rhythm in Red, Cabell Midland High School's show choir, which was formed in the fall of 2003; and

Whereas, Extraordinary talent is a common element in the members of Cabell Midland's Rhythm in Red Show Choir; and

Whereas, On March 23, 2013, the young men and women of Cabell Midland's Rhythm in Red Show Choir took their skills and dedication to the West Virginia Music Educators Association State Show Choir Competition; and

Whereas, Cabell Midland's Show Choir, Rhythm in Red, performed at the West Virginia Music Educators Association State Show Choir Competition, winning Grand Champion of Large Mixed Group, as well as Best Choral Sound, Best Show Design and Outstanding Choreography; and

Whereas, On March 25, 2013, Cabell Midland's Show Choir, Rhythm in Red, appeared on the national Show Choir Ranking System as the 21st best high school show choir in the United States; and

Whereas, Cabell Midland's Show Choir, Rhythm in Red, is the only nationally ranked show choir from the Great State of West Virginia; and

Whereas, Under the astute leadership of their director, Leslie Riedel, these singers and dancers have brought joy to the many people who have had the opportunity to witness their performances; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Cabell Midland High School Show Choir, Rhythm in Red, for winning the 2013 West Virginia Music Educators Association State Show Choir Championship; and, be it

Further Resolved, That the Senate applauds the extraordinary talents of Cabell Midland's Rhythm in Red Show Choir Director, Leslie Riedel, and the young men and women of the Cabell Midland High School Show Choir; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Cabell Midland High School's Show Choir.

At the request of Senator Jenkins, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

Senators Jenkins, D. Hall, Williams, Kessler (Mr. President), Unger, Stollings and Wells offered the following resolution:

Senate Resolution No. 62—Congratulating the Cabell Midland Marching Knights for winning the inaugural West Virginia State Band Invitational.

Whereas, Music is an integral component of our heritage, helping people to communicate across national, cultural and social barriers, as well as uniting performers and audiences in a meaningful, shared experience; and

Whereas, The members of the Cabell Midland Marching Knights have imparted the richness and beauty of music to citizens throughout the area, and they have set an example worthy of emulation; and

Whereas, The Cabell Midland Marching Knights have worked diligently to share the beauty of music to its audiences, and its efforts have been truly inspirational; and

Whereas, As a cohesive group of dedicated and motivated individuals, the members of the Cabell Midland Marching Knights have earned a level of respect and recognition of which they can be proud; and

Whereas, The Cabell Midland Marching Knights have also been named Grand Champion of the Tri-State Band Festival during the 2012 and 2013 contests; and

Whereas, Under the astute leadership of their director, Timothy James, these musicians have brought joy to the many people who have had the opportunity to witness their performances; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Cabell Midland Marching Knights for winning the inaugural West Virginia State Band Invitational; and, be it

Further Resolved, That the Senate applauds the extraordinary talents of band director Timothy James and the young men and women of the Cabell Midland Marching Knights; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Cabell Midland Marching Knights.

At the request of Senator Jenkins, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

Petitions

Senator Williams presented a petition from Imogene Miller and one hundred Grant County senior citizens, requesting the Legislature to lift the freeze on the Aged and Disabled Medicaid Waiver Program.

Referred to the Committee on Health and Human Resources.

Senator Yost presented a petition from Linda West and forty Wheeling Health Right Free Clinic patients, opposing state budget cuts to Health Right Free Clinics.

Referred to the Committee on Health and Human Resources.

At the request of Senator Unger, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Tucker, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Concurrent Resolution No. 45 (originating in the Committee on Banking and Insurance)—Requesting the Joint Committee on Government and Finance study future legislation relating to the financial solvency of volunteer and part-volunteer fire companies and departments throughout the State of West Virginia.

Whereas, In most areas of West Virginia, the citizens are dependent on their local volunteer or part-volunteer fire companies or departments for residential and commercial building fire protection; and

Whereas, Many of these volunteer or part-volunteer fire companies or departments are experiencing significant financial difficulties in paying for their operating costs, including truck fuel, personal protective equipment, educational and training supplies, replacement equipment, uniforms and vehicles and other authorized expenditures as described in section eight-b, article fifteen, chapter eight of the code; and

Whereas, Many of these volunteer or part-volunteer fire companies or departments are experiencing significant financial difficulties in paying for the departments' workers' compensation premiums and workers' compensation coverage is required for certification by the State Fire Marshal; and

Whereas, The additional revenues provided to these volunteer or part-volunteer fire companies or departments by the policy surcharge authorized by section thirty-three, article three, chapter thirty-three of the code, is reported to be insufficient to adequately support the maintenance of these fire companies or departments; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study future legislation relating to the financial solvency of volunteer and part-volunteer fire companies and departments throughout the State of West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Gregory A. Tucker,
Chair.

At the request of Senator Tucker, unanimous consent being granted, the resolution (S. C. R. No. 45) contained in the preceding report from the Committee on Banking and Insurance was taken up for immediate consideration.

On motion of Senator Tucker, the resolution was referred to the Committee on Rules.

Senator Miller, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Concurrent Resolution No. 46 (originating in the Committee on Agriculture and Rural Development)—Requesting the Joint Committee on Government and Finance study the distribution of power to rural communities and prioritization for farms and agricultural businesses during power outages.

Whereas, There are over 22,500 farms in the state; and

Whereas, Farms and agricultural products and their value added account for almost \$1 billion in economic impact to the state; and

Whereas, The majority of the farms and agricultural businesses are located in and support rural economies; and

Whereas, Power supply to the rural areas, and the farms and agricultural businesses in particular, is an important tool for the economic success of these businesses; and

Whereas, Power supply restoration after a power outage is critical to these industries, which have products like chickens, fish, other animals and plants that will be lost and cause great economic loss if power is not restored in a timely manner; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the distribution of power to rural communities and prioritization for farms and agricultural businesses during power outages; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And,

Senate Concurrent Resolution No. 47 (originating in the Committee on Agriculture and Rural Development)—Requesting the Joint Committee on Government and Finance study the cultivation of the meat processing industry in the state, including addressing workforce development needs, technical support for processors and overcoming regulatory hurdles.

Whereas, The Legislature recognizes a rising and existing consumer-driven market interested in purchasing locally raised and naturally raised meats, which typically sell at higher prices than conventional meats; and

Whereas, The market value of West Virginia livestock, poultry and their associated products sold annually was over \$513 million during the most recent census of agricultural products; and

Whereas, The cash receipts of cattle and calves totaled \$136,736,000, hogs totaled \$898,000 and miscellaneous livestock (including sheep, lambs, goats, kids and others) totaled \$11,910,000 for West Virginia farmers in 2011, and total sales (including poultry) from livestock products totaled \$460,301,000 in that year; and

Whereas, One study finds that 7.4 jobs are created for every 1,000 cattle sent to small meat processing facilities; and

Whereas, One study found that if all of West Virginia's meat and pork was processed within the state, the meat processing industry could employ 2,585 skilled and well-paid workers; and

Whereas, It has been shown that smaller meat processing facilities produce more jobs per \$1 million in meat product output than large facilities; and

Whereas, The number of meat processing facilities in the state has declined by forty percent since 1981, from thirty-five commercial plants to twenty-one commercial plants in 2012; and

Whereas, The declining number of inspected meat slaughter and processing facilities is impacting farmers' and producers' ability to meet rising and existing consumer-driven market demand for locally raised meats and the inherent success of a local meat production program depends on the availability of professional processing facilities; and

Whereas, A recent survey found that nearly half of meat slaughter and processing facilities are interested in training programs to improve their business and workforce; and

Whereas, The Legislature recognizes the importance of strengthening our local and regional food systems for local and regional economic development; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the cultivation of the meat processing industry in the state, including addressing workforce development needs, technical support for processors and overcoming regulatory hurdles; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And reports the same back with the recommendation that they each be adopted; but with the further recommendation that they first be referred to the Committee on Rules.

Respectfully submitted,

Ronald F. Miller,
Chair.

At the request of Senator Miller, unanimous consent being granted, the resolutions (S. C. R. Nos. 46 and 47) contained in the preceding report from the Committee on Agriculture and Rural Development were taken up for immediate consideration.

On motion of Senator Miller, the resolutions were referred to the Committee on Rules.

The Senate proceeded to the fifth order of business.

Senator Unger, from the Select Committee on Children and Poverty, submitted the following report, which was received:

Your Select Committee on Children and Poverty has had under consideration

Senate Concurrent Resolution No. 48 (originating in the Select Committee on Children and Poverty)—Requesting the Joint Committee on Government and Finance study the availability of affordable housing in West Virginia; the effect of insufficient affordable housing on a child's education; the best methods to increase availability of affordable housing to those in poverty with children; and potential sources of funding and financing for additional affordable housing.

Whereas, It is recognized that West Virginia lacks sufficient availability of affordable housing for the most impoverished of its citizens; and

Whereas, Those in poverty who face the greatest difficulties with locating safe, affordable housing are families with school-aged children; and

Whereas, The effects of a transient and unstable lifestyle are the greatest on and most detrimental to a child's education; and

Whereas, Several entities exist that provide assistance in addressing this problem, including the West Virginia Housing Development Fund and the West Virginia Affordable Housing Trust Fund; and

Whereas, There are many options in funding additional affordable housing, many of which need further exploration and consideration; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the availability of affordable housing in West Virginia; the effect of insufficient affordable housing on a child's education; the best methods to increase availability of affordable housing to those in poverty with children; and potential sources of funding and financing for additional affordable housing; and, be it

Further Resolved, That the Senate Select Committee on Children and Poverty, the West Virginia Housing Development Fund and the West Virginia Affordable Housing Trust Fund are requested to assist the Joint Committee on Government and Finance in its study of affordable housing availability; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

John R. Unger II,
Chair.

At the request of Senator Unger, unanimous consent being granted, the resolution (S. C. R. No. 48) contained in the preceding report from the Select Committee on Children and Poverty was taken up for immediate consideration.

On motion of Senator Unger, the resolution was referred to the Committee on Rules.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for House Bill No. 2314, Authorizing a family court judge to order a child to be taken into custody in emergency situations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell,

Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2314) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2314—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-6-9a, relating to authorizing a family court judge to order the emergency custody of a child in the physical custody of a party to an action or proceeding before the family court; requiring the Department of Health and Human Resources to immediately respond and assist the family court judge in emergency placement of the child; providing for circuit court order for department to file an investigative report; providing for termination of family court order; extending order of family court by filing petition; and providing additional procedures for department when a child is ordered taken into emergency custody.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 2361, Relating to the definition of “eligible veteran” for certain state training and employment preference benefits.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2361) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill No. 2463, Repealing the article that permits the sterilization of persons deemed to be mentally incompetent.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2463) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2471, Prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2471) passed.

At the request of Senator Snyder, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the title of the bill was withdrawn.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2471—A Bill to amend and reenact §15-5-6 and §15-5-19a of the Code of West Virginia, 1931, as amended, all relating to possession of firearms and ammunition

during a declared state of emergency; prohibiting the restriction of lawful possession of a firearm or ammunition during a declared state of emergency; clarifying right to seize or confiscate lawfully possessed firearms or ammunition during a declared state of emergency; providing exceptions; providing a cause of action for the return of the firearms or ammunition; and establishing jurisdiction for actions.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2521, Relating to the West Virginia Contraband Forfeiture Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2521) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2521—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new

section, designated §60A-7-705a, relating to the West Virginia Contraband Forfeiture Act; providing procedures for voluntary administrative forfeiture of forfeitable money used in or obtained through the illegal trafficking of controlled substances; establishing time frames; providing notice requirements; and providing for use of existing forfeiture law in contested cases.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2553, Authorizing the Secretary of State to administratively dissolve certain business entities.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2553) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2553—A Bill to amend and reenact §31B-8-809 of the Code of West Virginia, 1931, as amended;

to amend and reenact §31B-10-1006 of said code; to amend and reenact §31D-14-1420 of said code; to amend and reenact §31D-15-1530 of said code; to amend and reenact §31E-13-1320 of said code; to amend and reenact §31E-14-1430 of said code; and to amend and reenact §59-1-2a of said code, all relating to the authority to conduct business in the state; authorizing the Secretary of State to administratively dissolve or revoke the certificate of authority of certain business entities; authorizing dissolution or revocation if certain business entities fail to pay fees imposed by law; requiring notice to a business entity by certified mail before dissolution or revocation due to failure to pay fees; permitting a bad check fee if certain payment by check or money order is rejected for certain reasons; authorizing dissolution or revocation if one or more professional licenses have been revoked and the license is or licenses are necessary for the continued operation of the business entity; and authorizing dissolution or revocation if the business entity is in default with the Bureau of Employment Programs.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2585, Increasing the time to file a petition in response to notice of an increased assessment.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2585) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2585—A Bill to amend and reenact §11-3-15c and §11-3-15d of the Code of West Virginia, 1931, as amended, relating to increasing the time to file a petition for review or appeal in response to a notice of an increased assessment of certain real and personal property; and defining business day.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2652, Authorizing the Department of Administration to promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2652) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2652) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 2729, Allowing schools to voluntarily maintain and use epinephrine auto-injectors.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2729) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2858, Relating generally to consumer rate relief bonds.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2858) passed with its title.

Senator Unger moved that the bill take effect from passage. On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2858) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2923, Relating to directors of state-chartered banking institutions.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2923) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2940, Relating to regional meetings among certain officials of county boards of education.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2940) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill No. 3028, Expanding the number of hours temporary state personnel may work in a calendar year.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 3028) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. No. 3028) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 3086, Relating to juvenile services and criminal justice institutions.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 3086) passed.

On motion of Senator Snyder, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 3086—A Bill to repeal §28-3-1a, §28-3-1b, §28-3-2, §28-3-4, §28-3-5, §28-3-6, §28-3-7, §28-3-8, §28-3-9, §28-3-10, §28-3-11, §28-3-12, §28-3-13, §28-3-14, §28-3-15, §28-3-16, §28-3-17 and §28-3-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §25-1-3 of said code; and to amend and reenact §28-3-1 of said code, all relating to state correctional and penal institutions; renaming the Industrial Home for Youth the Salem Correctional Center; transferring control of the Salem Correctional Center to the Division of Corrections; and authorizing the Parkersburg Correctional Center and placing it under the control of the Division of Corrections.

Senator Unger moved that the bill take effect July 1, 2013. On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 3086) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 3104, Authorizing certain legislative rules regarding higher education.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 3104) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. No. 3104) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

Eng. Com. Sub. for House Bill No. 2108, Making the offense of failure to wear safety belts a primary offense.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2395, Relating to senior services.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 5P. SENIOR SERVICES.

§16-5P-15. Establishment of In-Home Care Registry.

(a) There is ~~established~~ continued within the Bureau of Senior Services an in-home care worker registry which is to be maintained by the bureau. The purpose of the registry is to provide the public a list of in-home care workers, along with their qualifications, who voluntarily agree to be included and who have ~~passed~~ obtained a criminal background check.

(b) “In-home care worker” means an unlicensed person who provides personal care or other services and supports to persons with disabilities or to the elderly in order to enhance their well-being and which involves face-to-face direct contact with the person. Functions performed may include, but are not limited to, assistance and training in activities of daily living, personal care services, and job-related supports.

(c) The bureau shall propose rules for legislative approval during the 2014 legislative session in accordance with the provisions of article three, chapter twenty-nine-a of this code to establish the following:

(1) The registry of in-home care workers;

(2) The requirements for inclusion on the registry as an “in-home care worker”, including educational attainment;

(3) A fee schedule: ~~of proposed rates for those services and supports provided by the in-home care worker based upon qualifications of the in-home care workers, such as educational attainment~~ Provided, That the Commissioner of the Bureau of Senior Services shall waive the initial registration fee for the first sixty days the registration is active;

(4) ~~Requirement of completion and passage of~~ Requiring an applicant to obtain a state or federal criminal background check, as determined in legislative rule by the bureau; consisting of checking the National Instant Criminal Background Check System and the West Virginia criminal history record responses. ~~If an in-home care worker is included on the list with a criminal history indicated on his or her criminal back ground check, that information shall be noted on the registry. The bureau may not remove a person from the registry if the criminal background check reveals any negative information;~~

(5) How a person obtains information from the registry; and

(6) Any other requirement necessary to implement the provisions of this section.

The bill (Eng. Com. Sub. for H. B. No. 2395), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2815, Clarifying and modifying the process of appointing and terminating guardians for minors.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill No. 2992, Eliminating duplicative reporting requirements imposed on distributors of imported cigarettes.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 3003, Facilitating compliance with the Tobacco Master Settlement Agreement.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill No. 3159, Granting exceptions from certain compulsory attendance statutes to the Monroe and Nicholas County school systems.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate recessed until 4:30 p.m. today.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Unger, and by unanimous consent, returned to the fourth order of business.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution No. 37, Requesting DOH name bridge in Hardy County “Army MSG 1SG Boyd ‘Doc’ Slater Memorial Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 37 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name the bridge over Lost River on Corridor H near Wardensville, Hardy County, West Virginia, bridge number 16-55/20-24.56, the “Army 1SG Boyd ‘Doc’ Slater Memorial Bridge”.

Whereas, Boyd “Doc” Slater was born on August 1, 1930, in Winchester, Virginia, the son of the late Golda Wilkins Slater; and

Whereas, Boyd “Doc” Slater was raised in Mathias, Hardy County, and attended Hardy County public schools; and

Whereas, Boyd “Doc” Slater married Betty Funkhouser in Wardensville on June 8, 1955; and

Whereas, Boyd “Doc” Slater was a 21-year veteran of the U. S. Army, serving primarily with airborne units, flying on helicopters and working on them as a flight engineer and flight mechanic; and

Whereas, Boyd “Doc” Slater served two tours of duty in Korea and two tours of duty in Vietnam, and he was awarded two Bronze

Stars and numerous other service medals, ribbons, citations and commendations during his distinguished 21-year career; and

Whereas, Boyd “Doc” Slater attained the rank of First Sergeant before retiring from the Army in 1969; and

Whereas, Boyd “Doc” Slater returned home to Hardy County and began a second career with the Division of Highways, putting the mechanical and maintenance skills he had learned in the Army to good use on behalf of the State of West Virginia; and

Whereas, Boyd “Doc” Slater rose to the position of Assistant County Superintendent before retiring from the Division of Highways in 1987; and

Whereas, Boyd “Doc” Slater was active in veterans’ affairs and was a member of VFW Post 2102 in Wardensville and American Legion Post 64 in Moorefield; and

Whereas, Sadly, Boyd “Doc” Slater passed away on April 28, 2011, at the age of eighty, leaving behind a wonderful legacy of service to his country and state, and having earned the love and respect of all who knew him; and

Whereas, Boyd “Doc” Slater is survived by his loving wife of fifty-five years, Betty Slater of Wardensville; three daughters, Charlotte Bowman of Wardensville, Carmen Sager of Mathias and Kathy McDaniel of Hedgesville; two grandchildren, Jennifer Sundstrom and Heather Bowman; and two great grandchildren, Elaina Bowman and Graham Sundstrom; and

Whereas, It is only fitting and proper that this bridge on Corridor H near Wardensville be named for Boyd “Doc” Slater, that we may honor his outstanding military service on behalf of a grateful nation, his dedicated service to the State of West Virginia and his many good works for the people of Hardy County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge over Lost River on Corridor H near Wardensville, Hardy County, West Virginia, bridge number 16-55/20-24.56, the “Army 1SG Boyd ‘Doc’ Slater 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 “Army 1SG Boyd ‘Doc’ Slater 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 Secretary of the Department of Transportation and to Betty Slater, Charlotte Bowman, Carmen Sager and Kathy McDaniel.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2357, Relating to sexting by minors.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Prezioso, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on the Judiciary.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill No. 2360, Relating to public school support computation of local share.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert H. Plymale,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Education pending.

Senator Jenkins, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Eng. House Bill No. 2469, Increasing the cap on earnings during temporary reemployment after retirement.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Evan H. Jenkins,
Chair.

At the request of Senator Jenkins, unanimous consent being granted, the bill (Eng. H. B. No. 2469) contained in the preceding report from the Committee on Pensions was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on Pensions pending.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill No. 2470, Relating to sign support specialist or an educational sign language interpreter in the education of exceptional children.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert H. Plymale,
Chair.

At the request of Senator Plymale, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2470) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill No. 2497, Requiring applicants for real estate licensure to undergo criminal history record checks.

And has amended same.

Eng. Com. Sub. for House Bill No. 2531, Relating to the practice of speech-language pathology and audiology.

And has amended same.

Eng. Com. Sub. for House Bill No. 2603, Relating to the Family Protection Services Board.

And has amended same.

Eng. Com. Sub. for House Bill No. 2849, Relating to audits and investigations by the chief inspector of public offices.

And has amended same.

And,

Eng. Com. Sub. for House Bill No. 2964, Authorizing the mayor to appoint chiefs of police and deputy chiefs of police.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Palumbo, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of Engrossed Committee Substitute for House Bill No. 2497 contained in the foregoing report from the Committee on Government Organization.

At the request of Senator Snyder, and by unanimous consent, Engrossed Committee Substitute for House Bill No. 2497 was taken up for immediate consideration, read a first time and ordered to second reading.

At the request of Senator Snyder, unanimous consent being granted, Engrossed Committee Substitute for House Bill Nos. 2531, 2603, 2849 and 2964 contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee references, were then referred to the Committee on the Judiciary, with amendments from the Committee on Government Organization pending.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2512, Reforming the state Medicaid subrogation statute.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill No. 2519, Relating to reallocation and repatriation of certain funds to the General Revenue Fund.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2554, Providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill No. 2577, Relating to the practice of pharmacist care.

And has amended same.

And,

Eng. Com. Sub. for House Bill No. 2731, Regulating the performance of health maintenance tasks by unlicensed personnel.

And has amended the same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on Government Organization.

Respectfully submitted,

Ron Stollings,
Chair.

At the request of Senator Stollings, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. Nos. 2577 and

2731) contained in the preceding report from the Committee on Health and Human Resources were each taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee references, were then referred to the Committee on Government Organization, with amendments from the Committee on Health and Human Resources pending.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. House Bill No. 2586, Relating to qualifications for a license to practice embalming.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Herb Snyder,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2626, Authorizing the Department of Military Affairs and Public Safety to promulgate Legislative Rules.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill No. 2727, Relating to the school aid formula.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert H. Plymale,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Education pending.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill No. 2738, Relating to the Center for Nursing.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Education.

Respectfully submitted,

Ron Stollings,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Education, with amendments from the Committee on Health and Human Resources pending.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill No. 2825, Relating to certain appointive state officers salaries.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2866, Providing an exception to allow a resident of a dwelling house to discharge a firearm in a lawful manner within five hundred feet.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. House Bill No. 2968, Authorizing the use of an additional medium for use in archiving the records.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Herb Snyder,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 3135, Relating generally to voting system certification and procedures at the central counting center.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill No. 3157, Restoring the authority, flexibility, and capacity of schools and school systems to improve student learning.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert H. Plymale,
Chair.

At the request of Senator Plymale, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 3157) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Education pending.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Wednesday, April 10, 2013, at 11 a.m.

WEDNESDAY, APRIL 10, 2013

The Senate met at 11 a.m.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by Pastor Tim Valentine, Randolph Street Baptist Church, Charleston, West Virginia.

Pending the reading of the Journal of Tuesday, April 9, 2013,

On motion of Senator Prezioso, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect July 1, 2013, of

Eng. Com. Sub. for Senate Bill No. 80, Including substitute teaching in job duties of certain professional educators employed by county boards.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill No. 183, Updating terms in Corporation Net Income Tax Act.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 98—Requesting the Joint Committee on Government and Finance to study the feasibility of obtaining a waiver of the federal requirement relating to state/federal matching highway funds based on a proposed funding model; and to study the impact of increasing state sales and use tax to twelve percent and exempting food, clothing, prescription medicines, gasoline and special fuels from tax; and designating three percent of sales and use tax revenues to be used for highways and bridges and three percent of the revenues to be used for community and economic development as directed by the Legislature.

Referred to the Committee on Rules.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 102—Requesting that the Star City interchange at Exit 155 of Interstate 79 in Morgantown, Monongalia County, West Virginia be named the “Michael A. Oliverio, Sr. Interchange”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 105—Requesting the Joint Committee on Government and Finance study the necessity of hiring additional fraud investigators for the Department of Health and Human Resources and the Medicaid Fraud Control Unit and where those investigators should be located.

Referred to the Committee on Rules.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 106—Requesting the Division of Highways to strive to attempt to identify a qualified sponsor and provide technical assistance in pursuing a Transportation Enhancement Grant to place and maintain markers at a trail of specific sites in West Virginia representing the locations photographed by O. Winston Link to highlight and celebrate the Norfolk and Western Railroad steam engine heritage in West Virginia and to name the trail of sites the “O. Winston Link Trail”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 118—Requesting the Division of Highways to rename the bridge on High Street over Twelve Pole Creek in Ceredo, West Virginia, bridge number 50-60/4-0.10 the “U.S. Marine Corps PFC Daniel L. Edwards Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

Executive Communications

Senator Kessler (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, regarding annual reports, which communication was received:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 9, 2013

Senate Executive Message No. 6

The Honorable Jeffrey V. Kessler
President, West Virginia Senate
State Capitol
Charleston, West Virginia

Dear President Kessler:

Pursuant to the provisions of section twenty, article one, chapter five of the Code of West Virginia, I hereby certify that the following 2012-2013 annual reports have been received in the Office of the Governor:

Accountancy, West Virginia Board of

Aeronautics Commission, West Virginia Department of
Transportation

Alternative and Renewable Energy Resources Research Fund,
Division of Energy, West Virginia Department of Commerce

Architects, West Virginia Board of

Barbers and Cosmetologists, West Virginia Board of

Chiropractic, West Virginia Board of

Coal Mine Health and Safety, West Virginia Board of

Commercial Motor Vehicle Weight and Safety Enforcement
Advisory Committee

Community Corrections Act, Governor's Committee on Crime,
Delinquency and Correction, Division of Justice and Community
Services, Department of Military Affairs and Public Safety

Consumer Advocate, Offices of the Insurance Commissioner,
West Virginia Department of Revenue

Consumer Advocate Division, West Virginia Public Service
Commission

Corrections, Division of, West Virginia Department of Military
Affairs and Public Safety

Court of Claims, West Virginia

Court System, West Virginia Supreme Court of Appeals

Crime, Delinquency and Correction, Governor's Committee on,
Law Enforcement Training Subcommittee, Division of Criminal
Justice Services, West Virginia Department of Military Affairs and
Public Safety

Death, Disability and Retirement Fund (Plan A) and State Police
Retirement System (Plan B), Consolidated Public Retirement
Board, West Virginia Department of Administration

Dental Examiners, West Virginia Board of (2010-2011 and
2011-2012)

Economic Development Authority, West Virginia

Energy, Division of, West Virginia Department of Commerce

Environmental Protection, West Virginia Department of

Equal Employment Opportunity, West Virginia Office of

Family Protection Services Board, Division of Justice and Community Services, West Virginia Department of Health and Human Services

Fire Marshal, State Fire Commission, West Virginia Department of Military Affairs and Public Safety

Funeral Service Examiners, West Virginia Board of

Health Facility Licensure and Certification, Office of Inspector General, West Virginia Department of Health and Human Resources

Health Insurance Plan (Access WV), Offices of the Insurance Commissioner, West Virginia Department of Revenue (2009, 2010, and 2011)

Human Rights Commission, West Virginia (2010-2011)

Insurance Commissioner, Offices of the, West Virginia Department of Revenue

Juvenile Justice and Delinquency Prevention, Division of Justice and Community Services, West Virginia Department of Military Affairs and Public Safety

Juvenile Services, Division of, West Virginia Department of Military Affairs and Public Safety

Law Enforcement Professional Standards Subcommittee,
Governor's Committee on Crime, Delinquency and Correction,
Division of Justice and Community, West Virginia Department of
Military Affairs and Public Safety

Logging Sediment Control Act, Division of Forestry, West
Virginia Department of Commerce

Medical Imaging and Radiation Therapy Technology, West
Virginia Board of

Medicine, West Virginia Board of, (Volumes I and II)

Mine Safety Technology Task Force, Office of Miners' Health,
Safety and Training, West Virginia Department of Commerce

Miners' Health, Safety and Training, Office of, West Virginia
Department of Commerce

Minority Affairs, Herbert Henderson Office of, Office of the
Governor

Municipal Bond Commission, West Virginia

National Guard, West Virginia, Office of the Adjutant General

Natural Resources, Division of, West Virginia Department of
Commerce

Neighborhood Investment Program, Development Office, West
Virginia Department of Commerce

Nursing Home Administrators Licensing Board, West Virginia

Occupational Therapy, West Virginia Board of (2007-2012)

Parole Board, West Virginia Department of Military Affairs and Public Safety

Personnel, Division of, West Virginia Department of Administration

Physical Therapy, West Virginia Board of (2009-2011 and Biennium Report 2011-2012)

Planning and Development Council, Region 4

Professional Engineers of West Virginia, State Board of Registration for

Public Defender Services, West Virginia Department of Administration

Public Employees Grievance Board, West Virginia Department of Administration

Racing Commission, West Virginia

Real Estate Commission, West Virginia

Regional Intergovernmental Council, West Virginia, Region 3

Registered Professional Nurses, West Virginia Board of Examiners for (Biennium Report 2010-2012)

Research Trust Fund, West Virginia Higher Education Policy Commission

Risk and Insurance Management, Board of, West Virginia Department of Administration

Sanitarians, West Virginia State Board of

Senior Services, West Virginia Bureau of

Speech-Language Pathology and Audiology, West Virginia
Board of Examiners for

State Police, West Virginia Department of Military Affairs and
Public Safety

State Privacy Office, West Virginia Health Care Authority

State Rehabilitation Council, West Virginia

Tax Increment Financing, West Virginia Development Office

Tourism, Division of, West Virginia Department of Commerce

Treasurer, State of West Virginia

Veterans Assistance, West Virginia Department of (2010-2011)

Veterinary Medicine, West Virginia Board of

Volunteer West Virginia (State's Commission for National and
Community Service)

Water Development Authority, West Virginia

Youth Services, Bureau for Children and Families, West Virginia
Department of Health and Human Resources

Very truly yours,

Earl Ray Tomblin,
Governor.

Senator Kessler (Mr. President) then laid before the Senate the
following communication from His Excellency, the Governor,

submitting the annual probation and parole report, which was received:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 9, 2013

Senate Executive Message No. 7

The Honorable Jeffrey V. Kessler
President, West Virginia Senate
State Capitol
Charleston, West Virginia

Dear President Kessler:

In accordance with the provisions of Section 11, Article 7 of the Constitution of the State of West Virginia, and Section 16, Article 1, Chapter 5 of the Code of West Virginia, I hereby report that I granted no pardons or reprieves, nor commuted punishment to any person, nor remitted any fines or penalties, during the period of March 8, 2012, through April 9, 2013.

Very truly yours,

Earl Ray Tomblin,
Governor.

The Senate proceeded to the fourth order of business.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill No. 143, Budget Bill.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 143 (originating in the Committee on Finance)—A Bill making appropriations of public money out of the Treasury in accordance with section fifty-one, article VI of the Constitution.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill No. 2434, Relating to compensation in the magistrate court system.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on the Judiciary pending.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2498, Making it a crime for a person sitting on a grand jury to disclose the identity of an individual who will be indicted.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2567, Relating to limited partnerships.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Eng. House Bill No. 2770, Permitting dealers who sell fewer than eighteen new or used motor vehicles during a year to have their dealer licenses renewed.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Snyder, as chair of the Committee on Government Organization, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Transportation and Infrastructure.

Senator Facemire, from the Committee on Energy, Industry and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry and Mining has had under consideration

Eng. House Bill No. 2954, Requiring that members of the Mine Safety Technology Task Force are paid the same compensation as members of the Legislature.

And,

Eng. House Bill No. 3043, Including methane monitoring equipment as eligible safety equipment for tax credit purposes.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Douglas E. Facemire,
Chair.

At the request of Senator Facemire, unanimous consent being granted, the bills (Eng. H. B. Nos. 2954 and 3043) contained in the preceding report from the Committee on Energy, Industry and Mining were each taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee references, were then referred to the Committee on Finance.

Senator Facemire, from the Committee on Energy, Industry and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry and Mining has had under consideration

Eng. Com. Sub. for House Bill No. 3060, Authorizing the Oil and Gas Conservation Commission to regulate the horizontal deep wells.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Douglas E. Facemire,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 3069, Relating to access to justice.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Facemire, from the Committee on Energy, Industry and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry and Mining has had under consideration

Eng. Com. Sub. for House Bill No. 3072, West Virginia coal employment enhancement act.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Douglas E. Facemire,
Chair.

At the request of Senator Facemire, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 3072) contained in the preceding report from the Committee on Energy, Industry and Mining was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Energy, Industry and Mining pending.

The Senate proceeded to the sixth order of business.

Senators M. Hall, Blair, Boley, Carmichael, Cole, Nohe, Sypolt, Stollings and McCabe offered the following resolution:

Senate Concurrent Resolution No. 49—Requesting the Joint Committee on Government and Finance study the impact of the Limited Video Lottery Act on children and poverty in West Virginia.

Whereas, Since the adoption of the Limited Video Lottery Act, West Virginia has seen an explosion in the number of video lottery machines in operation in West Virginia communities; and

Whereas, Significant numbers of video lottery machines are operated in convenience stores, restaurants and other establishments frequented by West Virginia consumers and wage earners, rather than at destination resorts and large racetracks; and

Whereas, Anecdotal observations by clergy members and social service providers in the rural parts of West Virginia indicate that many families are made to suffer because parents spend unreasonably on video lottery; and

Whereas, The effects of poverty fall disproportionately on children rather than the parents whose actions often impoverish the family; and

Whereas, Adequate time has passed to allow the effects of the Limited Video Lottery Act to be fully realized in West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the impact of the Limited Video Lottery Act on children and poverty in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

Which, under the rules, lies over one day.

Senators Kessler (Mr. President), Beach, Chafin, Cole, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Palumbo, Plymale, Snyder, Stollings, Tucker, Unger, Wells and McCabe offered the following resolution:

Senate Resolution No. 63—Recognizing the one hundredth year of the West Virginia Division of Highways.

Whereas, Prior to 1913, the West Virginia Legislature designated that all road work was under the direct authority of the county courts and the county road engineer; and

Whereas, In 1913, the West Virginia Legislature saw fit to create the State Road Bureau to oversee a coordinated roadway system to serve the citizens of this state; and

Whereas, The Federal Aid Road Act of 1916 provided federal aid to those states for the improvement of any road on which the United States mail is or may be transported; and

Whereas, The Federal Aid Road Act of 1916 required states to provide a match to receive federal funds to establish a state highway department that shall oversee the maintenance of state highways; and

Whereas, The West Virginia Legislature replaced the State Road Bureau with the State Road Commission in 1917 and agreed to match federal funds and maintain all roads constructed with federal-aid funds; and

Whereas, In 1920, the first bonds were issued under the Good Roads Amendment, which provided up to \$50 million for construction of roads to connect county seats in the state; and

Whereas, In 1921, the West Virginia Legislature dedicated motor vehicle license fees to a newly created State Road Fund; and

Whereas, In 1923, the West Virginia Legislature enacted the first gasoline tax of two cents per gallon dedicated to the State Road Fund for the repayment of highway bonds and for the repair, maintenance and reconstruction of roads and highways; and

Whereas, In 1933, the West Virginia Legislature passed an act to place practically all roads on the State Road System and relieve the counties of their maintenance of roads; and

Whereas, Said act transferred 4,417 roads designated as the State's Primary System and 29,098 miles of roadways in a Secondary System; and

Whereas, In 1948, construction began on the state's first limited-access highway: US 119/WV 10 in Logan County; and

Whereas, In November, 1954, the first high-speed expressway was opened as a two-lane toll road from Charleston to Princeton and named the West Virginia Turnpike; and

Whereas, The Appalachian Regional Development Act was passed by Congress in 1965 to promote commerce in Appalachia with the development of a highway system; and

Whereas, The Federal-Aid Highway Act was passed in 1968 by Congress and established the national bridge inspection standards as a result of the 1967 tragedy when forty-six souls lost their lives as a result of the collapse of the Silver Bridge in Point Pleasant; and

Whereas, The West Virginia Legislature renamed the State Road Commission the Department of Highways; and

Whereas, The Department of Highways completed construction of the award-winning New River Gorge Bridge on US 19 in Fayetteville, creating the world's longest single-span steel arch bridge with a length of 3,030 feet and a 876-foot rise above the New River; and

Whereas, In 1988, the Department of Highways completed the final section of Interstate with the opening of Interstate 64 from Sam Black Church to Beckley and the 2,179-foot Glade Creek Bridge in Raleigh County; and

Whereas, In 1989, the West Virginia Legislature reorganized state government, creating a Department of Transportation and renaming the department as the Division of Highways; and

Whereas, During the construction of the Interstate Highway System and the Appalachian Corridor System, the Division of Highways had over ten thousand employees and served as a major economic source for the state by employing thousands of construction workers, suppliers and manufacturers; and

Whereas, With the completion of the majority of major highways, the Division of Highways today oversees approximately thirty-six thousand miles of highways with approximately five thousand employees; and

Whereas, The Division of Highways is only one of four states charged with the massive task of maintaining most highways in the state; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the one hundredth year of the West Virginia Division of Highways; and, be it

Further Resolved, That the Senate hereby honors the West Virginia Division of Highways for one hundred years of service in developing a safe statewide transportation system; and, be it

Further Resolved, That the Senate invites all citizens of West Virginia to join in recognizing the West Virginia Division of Highways and its employees for one hundred years of contributions to the state in providing a safe highway system; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Division of Highways.

At the request of Senator Beach, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

Senators Chafin, Cole, Stollings, Unger, Wells, Kessler (Mr. President) and Palumbo offered the following resolution:

Senate Resolution No. 64—Congratulating the Bluefield High School Boys’ Basketball Team for winning the 2013 West Virginia Class AA Basketball State Championship.

Whereas, The Bluefield Beavers completed an amazing 2012-2013 basketball season, finishing with a record of 25-3 and winning the first boys’ basketball title for Bluefield High School in seventeen years; and

Whereas, The Bluefield Beavers are led by head coach Charles Large and assistant coaches David Hubbard, Tony Webster and Don Jones; and

Whereas, The Bluefield Beavers team consists of players Dakoda Smalls, Brandon Lilly, David Edwards, Anthony Eades, Lykel Collier, Trevor Mullins, Michael Yost, Jordan Ponder, David Woodrum, Corey Coppola, Matthew Woodrum, Douglas Miller, Jordan Masterson and Raheem Reed; and

Whereas, The Bluefield Beavers are a shining example of what can be accomplished with hard work, dedication and commitment; and

Whereas, The Bluefield Beavers accomplished this outstanding athletic feat in the one hundredth year of West Virginia high school basketball; and

Whereas, The Bluefield Beavers displayed their strong will and fierce determination for an entire season and will be remembered as one of the best boys’ basketball teams in West Virginia high school sports history; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Bluefield High School Boys’ Basketball Team for winning the 2013 West Virginia Class AA Basketball State Championship; and, be it

Further Resolved, That the Senate acknowledges the dedication and commitment of each individual coach and player, which resulted in the Beavers' historic championship season; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Bluefield Beavers Boys' Basketball Team.

At the request of Senator Cole, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

Senators Snyder, Stollings, Unger, Wells, Fitzsimmons, Kessler (Mr. President) and Palumbo offered the following resolution:

Senate Resolution No. 65—Designating April 10, 2013, as “Crime Victims Day at the Legislature”.

Whereas, The West Virginia Crime Victims Compensation Fund is celebrating Crime Victims Day at the Legislature by providing all of the crime victim agencies and individuals who serve victims of crime an opportunity to educate the members of the Legislature and the public about the many services available to assist victims of crime and their families throughout our state; and

Whereas, The many agencies and individuals serving victims of crime and their families in West Virginia strive to foster the healing of victims and their families through treatment for their many needs including, but not limited to, advocacy for and on behalf of victims and their families, medical treatment and mental health counseling, compensation and restitution; and

Whereas, The many organizations and individuals that provide assistance to victims of crime and their families make valuable contributions to those who have been affected by crime in our state; and

Whereas, West Virginia is proud of the accomplishments and achievements of the many organizations and individuals who serve the needs of victims of crime and appreciate their many contributions to our communities; and

Whereas, There are also many victims or family members present on this special day to foster understanding by the public of the effects of victimization; therefore, be it

Resolved by the Senate:

That the Senate hereby designates April 10, 2013, as “Crime Victims Day at the Legislature”; and, be it

Further Resolved, That the Senate expresses its appreciation to the many organizations which serve victims of crime and their families throughout our state and for the dedication of those individuals who serve these organizations; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate official with the West Virginia Crime Victims Compensation Fund.

At the request of Senator Unger, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

At the request of Senator Unger, and by unanimous consent, the Senate returned to the fourth order of business.

Senator Stollings, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Concurrent Resolution No. 50 (originating in the Committee on Health and Human Resources)—Requesting the Joint Committee on Government and Finance study abuse deterrent formulations for opioid medications.

Whereas, Over one hundred million adults in the United States suffer from chronic pain, including millions with debilitating conditions like arthritis, fibromyalgia and lower back pain; and

Whereas, Chronic pain likely costs West Virginia millions of dollars each year in lost productivity, added health costs and increased expenditures for Medicaid; and

Whereas, The significant and justified concentration of attention on limiting substance abuse in our state has placed health care providers and patients in a difficult position as barriers to pain treatment have been considered; and

Whereas, New technologies are available that can protect the integrity of pain medications so they may not be altered in form for the ease of substance abusers to use illegally; and

Whereas, The federal Food and Drug Administration is currently studying the application of abuse deterrent formulation (ADF) technologies for use in opioid medications; and

Whereas, The introduction of ADF technologies into the pain medication arena is of great potential significance to West Virginia as a method to ensure the continued access of patients to these important medicines and to the general interests of the state as a strategy to limit substance abuse problems; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Joint Committee on Government and Finance study abuse deterrent formulations for opioid medications; and, be it

Further Resolved, That the Joint Committee on Government and Finance is requested to conduct a study on the issues of West Virginians' access to effective pain management medications and the need for the Bureau for Medical Services and the Public Employees Insurance Agency to require the adoption of abuse deterrent formulation technologies for pain medicines in order to assist in the state's continuing efforts to eliminate substance abuse; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

Senate Concurrent Resolution No. 51 (originating in the Committee on Health and Human Resources)—Requesting the Joint Committee on Government and Finance study the needs, challenges and issues facing West Virginia's senior citizens in finding personal care services.

Whereas, West Virginia currently has the second largest senior population in the country with sixteen percent of the state's population being sixty-five years of age or older; and

Whereas, It is projected that by 2035 nearly one in four state residents will be sixty-five years of age or older; and

Whereas, It has been estimated that over eight out of ten individuals sixty-five years of age and older will suffer one or more chronic disease conditions in their lifetime with six out of ten facing the need for long-term care; and

Whereas, The availability of personal care services is crucial to allowing individuals to remain in their homes, preserving a better quality of life as they age by avoiding long-term institutional care; and

Whereas, A recent informal survey of personal care providers in West Virginia determined many personal care programs currently operating in the state provide limited hours of service availability, may face workforce issues limiting availability including a lack of educational incentives, training programs and low compensation and have inestimable waiting lists for services; and

Whereas, An increasingly aged population will place more demand on the availability of such personal care services with national studies estimating the need for personal care aides to grow by seventy percent in the current decade; and

Whereas, The current certificate of need standards and processes for personal care services have not been updated for several years which may have the effect of limiting the availability of personal care services and freedom of choice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct a study of the needs, challenges and issues facing West Virginia's senior citizens in finding personal care services; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And,

Senate Concurrent Resolution No. 52 (originating in the Committee on Health and Human Resources)—Requesting the Joint Committee on Government and Finance study tobacco use in West Virginia, with emphasis on cigarette smoking prevalence, smoking-related deaths, smoking-related economic costs and tobacco prevention policies focused on smoke-free workplaces.

Whereas, West Virginia continues to have one of the highest rates of cigarette smoking in the country and despite successes in reducing smoking among West Virginia youth there have yet to be any declines in smoking among West Virginia adults; and

Whereas, According to the Centers for Disease Control and Prevention, cigarette smoking harms nearly every organ in the body and causes 443,000 deaths each year in the U. S. In West Virginia, on average, 3,770 adults age thirty-five and older die each year from diseases related to cigarette smoking and about nineteen percent of all deaths of West Virginia adults age thirty-five and older are caused by cigarette smoking; and

Whereas, Smoking-related economic costs can be separated into: (1) Direct health care costs related to cigarette smoking; and (2) productivity losses due to smoking-related deaths; and

Whereas, It is estimated that the annual direct health care costs resulting from tobacco use is over \$700 million, and the

estimated annual lost productivity (lost wages and other economic contributions of those who died early) amount to over \$1 billion; and

Whereas, Tobacco prevention policies and smoke-free workplaces go hand-in-hand to help combat the costs associated with tobacco use, including in those organizations such as health care facilities and related institutions dedicated to health and the discouragement of tobacco use by the general public. According to the CDC in a 2011 report, it was found that between 11.8 and 23.7 percent of health care workers in the United States, varying according to their role within the industry, are smokers; and

Whereas, The prevalence of smoking among health care workers has been perceived to undermine the public health message of these health care institutions with regards to smoking; and

Whereas, This Legislature shares these public health concerns surrounding tobacco use, and further discussion on how best to address the issue is needed; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study tobacco use in West Virginia, with emphasis on cigarette smoking prevalence, smoking-related deaths, smoking-related economic costs and tobacco prevention policies focused on smoke-free workplaces; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And reports the same back with the recommendation that they each be adopted; but with the further recommendation that they first be referred to the Committee on Rules.

Respectfully submitted,

Ron Stollings,
Chair.

At the request of Senator Stollings, unanimous consent being granted, the resolutions (S. C. R. Nos. 50, 51 and 52) contained in the preceding report from the Committee on Health and Human Resources were taken up for immediate consideration.

On motion of Senator Stollings, the resolutions were referred to the Committee on Rules.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution No. 53 (originating in the Committee on Transportation and Infrastructure)—Requesting the Joint Committee on Government and Finance to study the disbursement of a portion of West Virginia Turnpike toll receipts for the use of the counties in which the Turnpike is located.

Whereas, The West Virginia Turnpike provides an efficient and rapid means of transit through the counties of Kanawha, Fayette, Raleigh and Mercer; and

Whereas, West Virginia Turnpike's traffic base is mixed, in that it has both an intrastate and a significant interstate component; and

Whereas, The original purposes for the development of the Turnpike included developing and improving tourist facilities and attractions in the state and promoting the agricultural, economic and industrial development of the state; and

Whereas, The restricted access points of the Turnpike's construction provide reduced opportunities for this highway's nonresident travelers to interact with the local economies of communities surrounding the Turnpike's route; and

Whereas, Vehicular accidents, spills of hazardous cargos and other emergency situations on the West Virginia Turnpike have placed increasing demands of time and resources from local emergency response services; and

Whereas, The West Virginia Turnpike generates millions of dollars in toll receipts per year; and

Whereas, Sharing a portion of toll receipts with the counties that host the West Virginia Turnpike could improve emergency responses and tourist facilities in such counties; and

Whereas, Sharing a portion of toll receipts with the counties that provide support to the operation of the West Virginia Turnpike may result in a mutual benefit for those counties and for the West Virginia Parkways Authority; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Joint Committee on Government and Finance to study the disbursement of a portion of West Virginia Turnpike toll receipts for the use of the counties in which the Turnpike is located; and, be it

Further Resolved, That the Joint Committee on Government and Finance is hereby requested to study the potential benefits, impact and feasibility of disbursing a portion of West Virginia Turnpike toll

receipts to the counties of Fayette, Kanawha, Mercer and Raleigh, with consideration to be given to the appropriate percentage of those receipts that may suitably benefit the supporting communities and serve the purposes for which the West Virginia Turnpike was established; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

Senate Concurrent Resolution No. 54 (originating in the Committee on Transportation and Infrastructure)—Requesting the Joint Committee on Government and Finance to study the benefits of consolidating the definitions of “ATV” and similar vehicles for consistency throughout the West Virginia Code and of limiting liability for bike pathways and trail systems.

Whereas, Outdoor recreation involving all-terrain vehicles, other vehicles designed for off-road use and bikes is steadily increasing in popularity in West Virginia and across the country; and

Whereas, The establishment of the Hatfield-McCoy all-terrain vehicle (ATV) trail system has brought a demonstrated economic benefit to the counties in which the trail system is located and has shown West Virginia to be innovative in the development of opportunities for tourism and recreation; and

Whereas, The Legislature provided the seeds for the creation of this ATV trail system by establishing the Hatfield-McCoy Regional Recreational Authority and the legal framework for a multicounty

project with participation of public entities, private individuals and businesses; and

Whereas, That essential legal framework included specific provisions defining and limiting the legal responsibilities of landowners and others with interests in property related to the trail system and the responsibilities of those using the trail system; and

Whereas, There are many additional areas within West Virginia that have comparable potential as outstanding tourism and recreation destinations if similar legal definitions and limits are established for property owners and property users; and

Whereas, The Code of West Virginia contains multiple definitions in various locations for the terms “ATV”, “all-terrain vehicle” and “utility terrain vehicle” that have the potential to diverge in inconsistent ways; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Joint Committee on Government and Finance to study the benefits of consolidating the definitions of “ATV” and similar vehicles for consistency throughout the West Virginia Code and of limiting liability for bike pathways and trail systems; and, be it

Further Resolved, That the Joint Committee on Government and Finance is hereby requested to study the benefits of limiting liability for government and private entities relating to their acts and services provided in connection with bike pathways and trail systems, and to study the benefit of consolidating definitions for all-terrain vehicles and other off-road, recreational vehicles within a central reference area of the Code of West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

Senate Concurrent Resolution No. 55 (originating in the Committee on Transportation and Infrastructure)—Requesting the Joint Committee on Government and Finance to study the consolidation of the operations and functions of the West Virginia Parkways Authority within the Division of Highways.

Whereas, The West Virginia Parkways Authority was created in 1989 and was assigned the powers, duties and functions of the former West Virginia Turnpike Commission; and

Whereas, The West Virginia Parkways Authority has an annual operating budget of approximately \$83 million; and

Whereas, The West Virginia Parkways Authority and the Division of Highways both exist as separate administrative agencies within the State Department of Transportation; and

Whereas, Many of the operations and functions of the West Virginia Parkways Authority mirror those of the Division of Highways, including, but not limited to, maintenance of the road surface, rights of way and highway structures, administration of human resources, accounting, purchasing, and project specification and management; and

Whereas, The continued operation of two separate agencies carrying out similar functions perpetuates inherent inefficiencies in the provision of services to the public and unnecessary duplication of costs; and

Whereas, The continued operation of the West Virginia Turnpike as an express vehicular corridor with restricted access to facilitate rapid and safe transit through southern West Virginia will continue to benefit the people and the economy of the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Joint Committee on Government and Finance to study the consolidation of the operations and functions of the West Virginia Parkways Authority within the Division of Highways; and, be it

Further Resolved, That the Joint Committee on Government and Finance is hereby requested to study the potential benefits, impact and feasibility of dissolving the West Virginia Parkways Authority and transferring all of the powers, duties and functions of that agency to the Division of Highways while preserving the character of the West Virginia Turnpike as a financially self-supporting highway unit through tolls and restricted access; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And,

Senate Concurrent Resolution No. 56 (originating in the Committee on Transportation and Infrastructure)—Requesting the Joint Committee on Government and Finance to study the proposed

Safe and Efficient Transportation Act of 2013 and the potential impact of its implementation in West Virginia.

Whereas, The Safe and Efficient Transportation Act of 2013 was introduced in the 113th Congress on February 12, 2013; and

Whereas, The act would give states the authority to allow 97,000-pound, six-axle vehicles access to the interstate highway system; and

Whereas, Such six-axle trucks carrying 97,000 pounds would maintain weight per axle, tire displacement and braking distance while carrying seventeen percent more ton-miles per gallon than five-axle trucks; and

Whereas, The U. S. Department of Transportation estimates that six-axle trucks would save two billion gallons of diesel fuel annually, a nineteen-percent decrease in fuel consumption; and

Whereas, The sixth axle reduces weight per tire impact on pavement that can help increase pavement wear savings; and

Whereas, The use of six-axle trucks may reduce accidents, reduce costs and benefit the environment and commerce; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Joint Committee on Government and Finance to study the proposed Safe and Efficient Transportation Act of 2013 and the potential impact of its implementation in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance is hereby requested to study the potential benefits, disadvantages, impact and feasibility of implementing the provisions of the Safe and Efficient Transportation Act in West

Virginia, including the effect on West Virginia infrastructure; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And reports the same back with the recommendation that they each be adopted; but with the further recommendation that they first be referred to the Committee on Rules.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Beach, unanimous consent being granted, the resolutions (S. C. R. Nos. 53, 54, 55 and 56) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration.

On motion of Senator Beach, the resolutions were referred to the Committee on Rules.

Senator Laird, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Concurrent Resolution No. 57 (originating in the Committee on Natural Resources)—Requesting the Joint Committee on Government and Finance study how to maintain the State Park System and find a dedicated source of revenue to address the maintenance, repair and renovation of West Virginia’s beautiful but aging state parks to ensure they continue to provide recreation and enjoyment to the citizens of the state and its visitors.

Whereas, The mission of the West Virginia State Park System since its inception has been to promote conservation by preserving and protecting natural areas of unique or exceptional scenic, scientific, cultural, archeological or historical significance and to provide outdoor recreational opportunities for the citizens of this state and its visitors; and

Whereas, The West Virginia State Park System attracts approximately 6.5 million visitors per year and contributes over \$126 million of economic activity to the state; and

Whereas, Many of the facilities, such as the cabins, administrative buildings and picnic shelters were constructed by the Civilian Conservation Corps in the 1930s, and many of the lodges were constructed during the 1950s and 1960s and are over fifty years old; and

Whereas, If these aging facilities are not able to be repaired and maintained, visitor safety will be jeopardized and the state parks of West Virginia may not be available to future generations; and

Whereas, There is currently an estimated backlog of maintenance needs to these facilities in excess of \$25 million, which continues to increase on a yearly basis when projects are neglected due to lack of funding; and

Whereas, Only \$5 million from the state, which comes from lottery revenue, is currently devoted to maintenance, repairs and renovations to these facilities; and

Whereas, The last Legislative Performance Audit of the State Park System suggested that a minimum of \$3 million be allotted for this purpose; and

Whereas, HB2060 was introduced, suggesting that an additional soft drink tax be implemented and dedicated to a state park maintenance and improvement fund; and

Whereas, Other states have various dedicated revenue sources, such as Arkansas' one-eighth percent sales tax and North Carolina's real estate transfer tax, devoted to state parks; and

Whereas, A study should be conducted of potential revenue sources that could be devoted to relieving the backlog of current maintenance needs of the State Park System; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Joint Committee on Government and Finance study how to maintain the State Park System and find a dedicated source of revenue to address the maintenance, repair and renovation of West Virginia's beautiful but aging state parks to ensure they continue to provide recreation and enjoyment to the citizens of the state and its visitors; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

Senate Concurrent Resolution No. 58 (originating in the Committee on Natural Resources)—Requesting the Joint Committee

on Government and Finance study the laws pertaining to the use of firearms for hunting and recreational shooting enthusiasts.

Whereas, 247,000 hunters in West Virginia generate over \$552,000 annually in economic benefit; and

Whereas, Hunters support wildlife management activities on eighty-one wildlife management areas and eight state forests accounting for more than 400,000 acres and more than one million acres of national forest lands; and

Whereas, There are twenty-six public shooting ranges on wildlife management areas and recreational shooting enthusiasts currently may use them without any fee or hunting license; and

Whereas, The wildlife management is funded with excise taxes generated from the purchase of firearms and ammunition under the Pittman-Robertson Act; and

Whereas, The State of West Virginia desires to encourage and increase the number of hunters and shooting enthusiasts to continue its rich hunting heritage and to financially support the wildlife management areas; and

Whereas, State laws do not require shooting enthusiasts to have a valid hunting license or shooting range permit and therefore their purchase of firearms and ammunition cannot be added to the state's rightful proportion of the excise taxes; and

Whereas, State laws that promote and support recreational shooting and the purchase of firearms and ammunition have a positive impact on hunting opportunities in the state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the laws pertaining to the use of firearms for hunting and recreational shooting enthusiasts; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

Senate Concurrent Resolution No. 59 (originating in the Committee on Natural Resources)—Requesting the Joint Committee on Government and Finance study the laws, rules and regulations applying to electrical standards for boat docks and marinas to improve the safety of users in memory of Michael Cunningham.

Whereas, West Virginia is known for its beautiful and abundant waterways, lakes and rivers that attract tourists and boost the economy; and

Whereas, Waterways, lakes and rivers should be a safe place for children and families to enjoy; and

Whereas, There have been recent, unfortunate cases where children and adults have been injured and/or killed while swimming in water that was electrified by ungrounded and improper electrical connections to boat docks and marinas, including the death of Michael Cunningham; and

Whereas, Electricity and water create a deadly combination that can paralyze a swimmer and cause drowning; and

Whereas, Children are particularly vulnerable to electrocution and shock in the water; and

Whereas, Bringing boat docks and marinas up to the National Fire Protection Association and National Electric Code Standards for boat docks and marinas is necessary for the protection and safety of all those who enjoy West Virginia waterways, lakes and rivers; and

Whereas, The laws, rules and regulations applying to boat docks and marinas, and the rules, standards and training applicable to licensed electricians and electrical inspectors are complex and require further study to determine how best to implement the requisite changes to the code and rules; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the laws, rules and regulations applying to electrical standards for boat docks and marinas to improve the safety of users in memory of Michael Cunningham; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And,

Senate Concurrent Resolution No. 60 (originating in the Committee on Natural Resources)—Requesting the Joint Committee

on Government and Finance to study the feasibility of the Division of Natural Resources entering into lease agreements or other cooperative arrangements to provide public hunting and other outdoor recreational opportunities on large tracts of corporate-owned land in southern West Virginia.

Whereas, There are limited public lands available in southern West Virginia for residents to hunt and pursue other outdoor recreational activities; and

Whereas, There are many large tracts of corporate-owned timberlands in southern West Virginia suitable for hunting and other outdoor recreational activities; and

Whereas, There is a potential for utilization of these lands for public hunting and other recreational opportunities through lease agreements or other cooperative arrangements between the Division of Natural Resources and these corporate landowners; 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 of the Division of Natural Resources entering into lease agreements or other cooperative arrangements to provide public hunting and other outdoor recreational opportunities on large tracts of corporate-owned land in southern West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And reports the same back with the recommendation that they each be adopted; but with the further recommendation that they first be referred to the Committee on Rules.

Respectfully submitted,

William R. Laird IV,
Chair.

At the request of Senator Laird, unanimous consent being granted, the resolutions (S. C. R. Nos. 57, 58, 59 and 60) contained in the preceding report from the Committee on Natural Resources were taken up for immediate consideration.

On motion of Senator Laird, the resolutions were referred to the Committee on Rules.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Concurrent Resolution No. 61 (originating in the Committee on Government Organization)—Requesting the Joint Committee on Government and Finance study the economic and community development challenges and opportunities associated with abandoned and dilapidated structures in West Virginia.

Whereas, Abandoned and dilapidated residential and commercial structures have negative impacts on local property values and property tax revenue, create increased local expenditures for additional protection and maintenance and serve as health and safety hazards to local communities; and

Whereas, Communities have found that abandoned and vacant buildings create areas for crime and drug activity; and

Whereas, Census data revealed a 41 percent increase in vacant structures in West Virginia between 1990 and 2011; and

Whereas, Demolishing abandoned and dilapidated structures may increase property values and economic potential in surrounding areas; and

Whereas, Increased recruitment of local, regional and national business opportunities relies on maintaining clean, attractive and safe communities; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the economic and community development challenges and opportunities associated with abandoned and dilapidated structures in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the resolution (S. C. R. No. 61) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration.

On motion of Senator Snyder, the resolution was referred to the Committee on Rules.

The Senate proceeded to the seventh order of business.

Com. Sub. for Senate Concurrent Resolution No. 37, Requesting DOH name bridge in Hardy County “Army 1SG Boyd ‘Doc’ Slater Memorial Bridge”.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senate Concurrent Resolution No. 44, Requesting Joint Committee on Government and Finance study safeguarding older West Virginians against abuse, fraud and financial exploitation.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on the Judiciary; and then to the Committee on Rules.

Com. Sub. for Senate Resolution No. 24, Requesting Congress propose constitutional amendment overturning *Citizens United v. Federal Election Commission* ruling.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Barnes, unanimous consent being granted, further consideration of the resolution was deferred following an anticipated recess.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for House Bill No. 2108, Making the offense of failure to wear safety belts a primary offense.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Carmichael, Cole, Edgell, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—24.

The nays were: Barnes, Blair, Boley, Cann, Chafin, Cookman, Facemire, Nohe, Sypolt and Tucker—10.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2108) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2395, Relating to senior services.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2395) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2395—A Bill to amend and reenact §16-5P-15 of the Code of West Virginia, 1931, as amended, relating to senior services in-home care registry; providing for sixty-day waiver of initial registration fee; clarifying rule-making authority for the Bureau of Senior Services to require an applicant to obtain a state or federal criminal background check; and requiring legislative rules to be proposed for legislative approval during the 2014 legislative session.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2815, Clarifying and modifying the process of appointing and terminating guardians for minors.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2815) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2815—A Bill to amend and reenact §44-10-3 of the Code of West Virginia, 1931, as amended, relating generally to clarifying and modifying the process of appointing and terminating guardians for minors; authorizing concurrent jurisdiction of circuit and family courts for appointment of guardian for a minor; providing venue for petition for appointment; providing proceedings to be conducted in accordance with the Rules of Practice and Procedure for Minor Guardianship Proceedings; providing for who may be appointed guardian; setting forth when the circuit clerk is to notify the court of the filing of a petition and when the court is to hold a hearing; setting forth what the court is to consider in appointing a guardian; providing for the

appointment of a temporary guardian; providing for the termination or revocation of the guardianship appointment; and providing for the confidentiality of a guardian proceeding.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 2992, Eliminating duplicative reporting requirements imposed on distributors of imported cigarettes.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2992) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 3003, Facilitating compliance with the Tobacco Master Settlement Agreement.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 3003) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill No. 3159, Granting exceptions from certain compulsory attendance statutes to the Monroe and Nicholas County school systems.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 3159) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. No. 3159) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

Eng. Com. Sub. for House Bill No. 2497, Requiring applicants for real estate licensure to undergo criminal history record checks.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 40. WEST VIRGINIA REAL ESTATE LICENSE ACT.

§30-40-11. Application for license.

The commission shall only issue an original license to an applicant if he or she:

(a) Submits an application, in writing, in a form prescribed by the commission which must contain, but is not limited to:

(1) The applicant's social security number;

(2) The recommendation of at least two persons who:

(A) Are property owners at the time of signing the application;

(B) Have been property owners for at least twelve months preceding the signing of the application;

(C) Have known the applicant for at least two years;

(D) Are not related to the applicant;

(E) Are not affiliated with the applicant as an employer, partner or associate or with the broker that will employ the applicant;

(F) Believe the applicant bears a good reputation for honesty, trustworthiness and fair dealing; and

(G) Believe the applicant is competent to transact the business of a real estate broker, associate broker or salesperson, as the case may be, in a manner that would protect the interest of the public.

(3) A clear record indicating all jurisdictions where the applicant holds or has held any professional license.

(4) A clear record indicating if the applicant has been convicted of any criminal offense or if there is any criminal charge pending against the applicant, or a member or officer of the brokerage business, at the time of application.

(b) Is at least eighteen years of age.

(c) Is a high school graduate or the holder of an equivalency diploma.

(d) Is trustworthy, of good moral character and competent to transact the business of a broker, associate broker or salesperson.

(e) Has paid the appropriate fee, if any, which must accompany all applications for original license or renewal.

(f) Has submitted to a state and national criminal history record check, as set forth in this subsection: Provided, That an applicant for a license who is an attorney at law may submit a letter of good standing from the Clerk of the Supreme Court of Appeals of West Virginia in lieu of submitting to a state and national criminal history record check.

(1) This requirement is found not to be against public policy.

(2) The criminal history record check shall be based on fingerprints submitted to the West Virginia State Police or its assigned agent for forwarding to the Federal Bureau of Investigation.

(3) The applicant shall meet all requirements necessary to accomplish the state and national criminal history record check, including:

(A) Submitting fingerprints for the purposes set forth in this subsection; and

(B) Authorizing the commission, the West Virginia State Police and the Federal Bureau of Investigation to use all records submitted and produced for the purpose of screening the applicant for a license.

(4) The results of the state and national criminal history record check may not be released to or by a private entity except:

(A) To the individual who is the subject of the criminal history record check;

(B) With the written authorization of the individual who is the subject of the criminal history record check; or

(C) Pursuant to a court order.

(5) The criminal history record check and related records are not public records for the purposes of chapter twenty-nine-b of this code.

(6) The applicant shall pay the actual costs of the fingerprinting and criminal history record check.

(7) Before implementing the provisions of this subsection, the commission shall propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code. The rules shall set forth the requirements and procedures for the criminal history check and must be consistent with standards established by the Federal Bureau of Investigation and the National Crime Prevention and Privacy Compact as authorized by 42 U. S. C. A. §14611, et seq.

The bill (Eng. Com. Sub. for H. B. No. 2497), as amended, was then ordered to third reading.

Eng. House Bill No. 2542, Relating to publication of the State Register.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

On page five, section seven, lines seventy through seventy-three, by striking out all of subsection (d) and inserting in lieu thereof a new subsection, designated subsection (d), to read as follows:

(d) The Secretary of State may propose rules for legislative approval, in accordance with the provisions of article three of this chapter, to change the procedures outlined in this section.

The bill (Eng. H. B. No. 2542), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2979, Relating to broadband deployment projects.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 15C. BROADBAND DEPLOYMENT.

§31-15C-2. Definitions.

(a) For the purposes of this article:

(1) “Broadband” or “broadband service” means any service providing advanced telecommunications capability with ~~either~~

a the same downstream data rate ~~or~~ and upstream data rate ~~of~~ at least 200 kilobits per second as is specified by the Federal Communications Commission and that does not require the end-user to dial up a connection that has the capacity to always be on, and for which the transmission speeds are based on regular available bandwidth rates, not sporadic or burstable rates, with a ~~minimum downstream-to-upstream data ratio of 10:1 for services with a downstream data rate of up to five megabits per second, and with a minimum upstream data rate of 500 kilobits per second for services with a downstream data rate of five megabits per second or greater~~ latency suitable for real-time applications and services such as VoIP and video conferencing, and with monthly usage capacity reasonably comparable to that of residential terrestrial fixed broadband offerings in urban areas: *Provided, That as the Federal Communications Commission updates the downstream data rate and the upstream data rate the council will publish the revised data rates in the State Register within sixty days of the federal update.*

(2) “Broadband demand promotion project” means a statewide or regional project to undertake activities to promote demand for broadband services and broadband applications.

~~(2) (3) “Broadband deployment project” means either: (A) a project to provide broadband services to in a type 2 and/or type 3 unserved area, as defined in section six of this article. or (B) a project to undertake activities to promote demand for broadband services and broadband applications~~

(4) “Council” means the Broadband Deployment Council.

~~(3) (5) “Downstream data rate” means the transmission speed from the service provider source to the end-user.~~

(4) (6) “Upstream data rate” means the transmission speed from the end-user to the service provider source.

(5) (7) “Unserved area” means a community that has no access to broadband service.

~~(b) The definition of the term “broadband”, the designation of areas that are “unserved”, and the level of service required to qualify for funding of state programs and projects, are based on the Federal Communications Commission’s current definition of broadband, which is stated in terms of the number of Kilobits (Kbps) per second, either upstream or downstream. It is the intention of the Legislature that the definition of broadband in this article and the level of service requirements for state funding be promptly updated by future Legislatures to conform with any revisions enacted by Congress or any rule or regulation promulgated by the Federal Communications Commission or other federal agencies involved with deploying and enhancing broadband services.~~

§31-15C-4. Powers and duties of the council generally.

(a) The council shall:

(1) Explore the potential for increased use of broadband service for the purposes of education, career readiness, workforce preparation and alternative career training;

(2) Explore ways for encouraging state and municipal agencies to expand the development and use of broadband services for the purpose of better serving the public, including audio and video streaming, voice-over Internet protocol, teleconferencing and wireless networking; and

(3) Cooperate and assist in the expansion of electronic instruction and distance education services by July 2014.

(b) In addition to the powers set forth elsewhere in this article, the council is hereby granted, has and may exercise all powers necessary or appropriate to carry out and effectuate the purpose and intent of this article. The council shall have the power and capacity to:

(1) Provide consultation services to project sponsors in connection with the planning, acquisition, improvement, construction or development of any broadband deployment project;

(2) Promote awareness of public facilities that have community broadband access that can be used for distance education and workforce development;

(3) Advise on deployment of e-government portals such that all public bodies and political subdivisions have homepages, encourage one-stop government access and that all public entities stream audio and video of all public meetings;

(4) To make and execute contracts, commitments and other agreements necessary or convenient for the exercise of its powers, including, but not limited to, the hiring of consultants to assist in the mapping of the state, categorization of areas within the state and evaluation of project applications: Provided, That the provisions of article three, chapter five-a of this code do not apply to the agreements and contracts executed under the provisions of this article;

(5) Acquire by gift or purchase, hold or dispose of real property and personal property in the exercise of its powers and performance of its duties as set forth in this article;

(6) Receive and dispense funds appropriated for its use by the Legislature or other funding sources or solicit, apply for and receive any funds, property or services from any person, governmental agency or organization to carry out its statutory duties; and

(7) Perform any and all other activities in furtherance of its purpose.

(c) The council shall exercise its powers and authority to bring broadband service to unserved areas. The council may not duplicate or displace broadband service in areas already served or

where private industry feasibly can be expected to offer services in the reasonably foreseeable future.

(d) The council shall report to the Joint Committee on Government and Finance on or before January 1 of each year. The report shall include the action that was taken by the council during the previous year in carrying out the provisions of this article. The council shall also make any other reports as may be required by the Legislature or the Governor.

§31-15C-8. Stimulation of demand through public outreach and education.

In order to implement and carry out the intent of this article, the council may take such actions as it deems necessary or advisable in order to stimulate demand through public outreach and education. in unserved areas The council shall consider the views, if offered, of affected members of the public, including private industry.

§31-15C-9. Development of guidelines and application for funding assistance; emergency rule-making authority.

(a) In order to implement and carry out the intent of this article in type 2 and type 3 unserved areas, the council shall ~~promulgate emergency~~ propose rules for legislative approval, pursuant to the provisions of ~~section fifteen~~, article three, chapter twenty-nine-a of this code, to develop comprehensive, uniform guidelines for use by the council in evaluating any request by a project sponsor for funding assistance to plan, acquire, construct, improve or otherwise develop and execute a broadband deployment project in a type 2 or type 3 unserved area. The council may promulgate emergency rules pending authorization of the legislative rules.

(b) The guidelines shall include the following: factors

(1) The cost-effectiveness of the project;

(2) ~~the~~ The economic development benefits of the project;

(3) ~~the~~ The availability of alternative sources of funding that could help finance the project, including, but not limited to, private grants or federal funding and the efforts undertaken to obtain such funding;

(4) ~~if~~ If the project requires the construction of a network, the applicant's ability to operate and maintain such network;

(5) ~~the~~ The degree to which the project advances statewide broadband access and other state broadband planning goals;

(6) If the project involves the construction of a network, the proposed technologies, bandwidths, upstream data rates and downstream data rates;

(7) ~~the~~ The estimated date dates the project would commence and be completed;

(8) ~~how~~ How the proposed project compares to alternative proposals for the same unserved area with regard to the number of people served, the amount of financial assistance sought, and the long-term viability of the proposed project; and

(9) ~~any~~ Any other consideration the council deems pertinent in evaluating requests for funding assistance.

~~(b) (c) Under no circumstances may the council's guidelines allow for the approval of any project for broadband service that does not include a minimum downstream transmission rate of 600 kilobits per second (Kbps) and a minimum downstream-to-upstream ratio of 8.5:1 for services with a downstream rate of up to five megabits per second (Mbps). In those cases where a project's broadband service's downstream rate is five Mbps or greater, the council's guidelines must require a minimum upstream data rate of 588 Kbps and allow information applications and market~~

~~demands to dictate acceptable downstream-to-upstream data ratios involving the construction of a network that does not meet the minimum specifications for broadband service as set by the Federal Communications Commission.~~

(~~e~~) (d) The council shall create an application form that shall be used by all project sponsors requesting funding assistance from the council to plan, acquire, construct, improve or otherwise develop and execute broadband deployment projects in type 2 or type 3 unserved areas or broadband demand promotion projects. The application form shall ~~contain all~~ advise applicants of information required by ~~all~~ state agencies that will ~~be required to~~ issue permits and certificates regarding the project.

(e) The application form shall require the project sponsor to set forth: ~~the~~

(1) ~~The~~ The proposed location of the project;

(2) ~~If the project involves the construction of a network, the type(s) of unserved area(s) the project proposes to address; the~~

(3) ~~The~~ The estimated total cost of the project; ~~the~~

(4) ~~The~~ The amount of funding assistance required and the specific uses of the funding; ~~other~~

(5) ~~Other~~ Other sources of funding available or potentially available for the project; ~~information~~

(6) ~~Information~~ Information demonstrating the need for the project; ~~that~~

(7) ~~That~~ That the proposed funding of the project is the most economically feasible and viable alternative to completing the project; and ~~such~~

(8) ~~Such~~ Such other information as the council considers necessary.

§31-15C-10. Requirements for project funding assistance; review of project application by council; competitive applications.

~~(a) Once the council has categorized unserved areas pursuant to section six of this article, As determined by the council, project sponsors may submit applications for funding assistance for projects in those unserved areas. Upon receiving its first completed application for a categorized unserved area, the council shall post notice of such application with the Secretary of State~~

~~(b) Broadband deployment projects, including projects involving the construction of a network, may be submitted for type 2 and/or type 3 unserved areas as those areas are categorized pursuant to section six of this article. Broadband demand promotion projects may be submitted on a statewide or regional basis.~~

~~(c) When a completed application is received for a project area, the council shall post notice with the Secretary of State of the first completed application received for that project area. The notice shall be published in the State Register for sixty days so as to allow for competing applications to be submitted to the council.~~

~~(d) Within thirty days of the close of the ~~mentioned~~ sixty-day notice period, the council shall review all applications timely received during the sixty-day period and either:~~

~~(i) (1) Approve funding for one or more projects after determining that the funding would constitute an appropriate investment of public funds; or~~

~~(ii) (2) Deny the project funding request if the (2) council determines that: the~~

~~(A) The application does not contain all of the required information; or otherwise is~~

~~(B) Is incomplete; or that a~~

~~(C) A proposed project is not eligible for funding assistance; or that the~~

~~(D) The proposed project is otherwise not an appropriate or prudent investment of state funds. the council shall deny the project funding request~~

(e) Prior to approving or denying any funding request, the council may seek the advice of any expert consultant retained pursuant to section seven of this article, but the council is not bound by that advice. The council shall also consider the views, if offered, of affected members of the public, including private industry.

~~(b) (f) To apply for or receive any funding assistance for a broadband deployment project or a broadband demand promotion project from the council pursuant to subsection (a) of this section, the project sponsor seeking the funding assistance shall submit a completed application to the council on the form prepared for such purpose by the council pursuant to section nine of this article.~~

~~(c) (g) In reviewing each application, the council may use the engineering, financial and technical expertise of outside consultants in addition to the respective staffs of the government agencies and private-sector entities represented on the council or other government agencies.~~

~~(d) (h) Notwithstanding any provision of article fifteen-a, chapter thirty-one or any other provision of this code, broadband deployment project proposals and broadband demand promotion project proposals submitted to the council for its consideration pursuant to this article and the council's decisions with regard to such projects shall not be subject to review by the West Virginia Infrastructure and Jobs Development Council.~~

On motion of Senator Plymale, the following amendment to the Government Organization committee amendment to the bill (Eng. Com. Sub. for H. B. No. 2979) was next reported by the Clerk:

On page five, section four, subsection (c), after the word “future.” by inserting the following:

In providing governmental funding for broadband deployment projects, the council shall give priority to funding for projects in areas without access to broadband service of any type or any speed before providing governmental funding for projects in areas with existing broadband service below the minimum speeds specified in section two of this article.

Following discussion,

The question being on the adoption of Senator Plymale’s amendment to the Government Organization committee amendment to the bill (Eng. Com. Sub. for H. B. No. 2979), the same was put.

The result of the voice vote being inconclusive, Senator Plymale demanded a division of the vote.

A standing vote being taken, there were twenty-two “yeas” and nine “nays”.

Whereupon, the President declared Senator Plymale’s amendment to the Government Organization committee amendment to the bill adopted.

The question now being on the adoption of the Government Organization committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. No. 2979), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Senate Bill No. 665, Expiring funds from State Fund, General Revenue, and making supplementary appropriation to Attorney General and DHHR, Consolidated Medical Service Fund.

Eng. Com. Sub. for House Bill No. 2046, Requiring wireless telecommunications companies to release location information of a missing person's cell phone in a timely manner; the "Kelsey Smith Act".

Eng. Com. Sub. for House Bill No. 2351, Authorizing law enforcement to issue a charge by citation when making an arrest for driving with a suspended or revoked license.

Eng. Com. Sub. for House Bill No. 2357, Relating to sexting by minors.

Eng. Com. Sub. for House Bill No. 2399, Protecting livestock in dire or extreme condition.

Eng. Com. Sub. for House Bill No. 2431, Modifying the application process for obtaining a state license to carry a concealed deadly weapon.

Eng. Com. Sub. for House Bill No. 2453, Expanding the Amber Alert Plan; "SKYLAR'S LAW".

Eng. Com. Sub. for House Bill No. 2505, Increasing civil penalties imposed by the Public Service Commission for pipeline safety violations.

Eng. House Bill No. 2508, Changing the capital investment threshold amount.

Eng. Com. Sub. for House Bill No. 2512, Reforming the state Medicaid subrogation statute.

Eng. Com. Sub. for House Bill No. 2514, Lowering the total amount of tax credits available under the Film Industry Investment Act.

Eng. House Bill No. 2516, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.

Eng. Com. Sub. for House Bill No. 2519, Relating to reallocation and repatriation of certain funds to the General Revenue Fund.

Eng. Com. Sub. for House Bill No. 2548, Increasing the criminal penalties for assaults and batteries against athletic officials.

Eng. Com. Sub. for House Bill No. 2554, Providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations.

Eng. Com. Sub. for House Bill No. 2579, Revising state water quality standard for Selenium.

Eng. House Bill No. 2586, Relating to qualifications for a license to practice embalming.

Eng. Com. Sub. for House Bill No. 2608, Requiring appraisal management companies to be registered.

Eng. Com. Sub. for House Bill No. 2626, Authorizing the Department of Military Affairs and Public Safety to promulgate Legislative Rules.

Eng. Com. Sub. for House Bill No. 2762, Creating an exemption from licensure as an adjuster for certain individuals who conduct data entry into an automated claims adjudication system.

Eng. Com. Sub. for House Bill No. 2806, Relating to administrative remedies for prisoners generally.

Eng. Com. Sub. for House Bill No. 2819, Relating to the financial oversight of entities regulated by the Insurance Commissioner.

Eng. Com. Sub. for House Bill No. 2866, Providing an exception to allow a resident of a dwelling house to discharge a firearm in a lawful manner within five hundred feet.

Eng. Com. Sub. for House Bill No. 2913, Specifying procedures for adjusting payments to correct for an erroneous distribution of moneys dedicated, distributed or directed to a state or local governmental subdivision.

Eng. Com. Sub. for House Bill No. 2960, Providing for internal and external review of adverse health coverage determinations.

Eng. House Bill No. 2968, Authorizing the use of an additional medium for use in archiving the records.

And,

Eng. Com. Sub. for House Bill No. 3135, Relating generally to voting system certification and procedures at the central counting center.

Pending announcement of meetings of standing committees of the Senate, including a minority party caucus,

On motion of Senator Unger, the Senate recessed until 4:30 p.m. today.

Upon expiration of the recess, the Senate reconvened and returned to the consideration of

Com. Sub. for Senate Resolution No. 24, Requesting Congress propose constitutional amendment overturning *Citizens United v. Federal Election Commission* ruling.

On unfinished business, coming up in deferred order, was again reported by the Clerk.

On motions of Senators Barnes and Snyder, the following amendments to the resolution were reported by the Clerk, considered simultaneously, and adopted:

By striking out everything after the title and inserting in lieu thereof the following:

Whereas, In 2010, the United States Supreme Court issued its ruling in *Citizens United v. Federal Election Commission* that enabled corporations and unions to spend unlimited amounts of money in support of or in opposition to candidates for election; and

Whereas, The people of West Virginia and all other states should have the power to limit by law the extent to which money can be spent in their political systems; therefore, be it

Resolved by the Senate:

That the Senate calls upon the United States Congress to propose a constitutional amendment addressing the United States Supreme Court's decision in *Citizens United v. Federal Election Commission* and related cases; and, be it

Further Resolved, That the West Virginia Senate supports an amendment to the United States Constitution to establish that corporations and unions are not entitled to the same rights and protections as natural persons under the Constitution; and, be it

Further Resolved, That such an amendment should assure the power of the federal, state and local governments to limit, regulate

and require disclosure of sources of all money spent in the course of political elections; and, be it

Further Resolved, That the West Virginia Senate requests that the West Virginia Congressional Delegation support such an amendment, work diligently towards its passage and vote at all stages to advance such legislation in the Congress; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Vice President of the United States and the President *pro Tempore* of the United States Senate, to the Speaker of the House of Representatives, to the majority and minority leaders of both houses of Congress and to each United States Senator and Member of the House of Representatives from West Virginia.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Com. Sub. for Senate Resolution No. 24—Calling upon the United States Congress to propose a constitutional amendment addressing the Supreme Court decision in *Citizens United v. Federal Election Commission*.

The question being on the adoption of the resolution, as amended, the same was put and prevailed.

At the request of Senator Unger, and by unanimous consent, the Senate returned to the fourth order of business.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill No. 2124, Creating new code sections which separate the executive departments.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2124) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Government Organization pending.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill No. 2158, Relating to the provision of financially-related services by banks and bank holding companies.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill No. 2590, Creating a public nonprofit corporation and governmental instrumentality to collectively address several environmental and economic development programs.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Herb Snyder,
Chair.

Senator Williams, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Eng. Com. Sub. for House Bill No. 2600, Creating resort area districts.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Bob Williams,
Chair.

At the request of Senator Williams, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2600) contained in the preceding report from the Committee on Economic Development was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2603, Relating to the Family Protection Services Board.

With amendments from the Committee on Government Organization pending;

And has also amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on April 9, 2013;

And reports the same back with the recommendation that it do pass as last amended by the Committee on the Judiciary.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill No. 2716, Relating to the West Virginia Fairness in Competitive Bidding Act.

Eng. Com. Sub. for House Bill No. 2730, Relating to the Real Estate Appraisal Board.

And,

Eng. Com. Sub. for House Bill No. 2888, Allowing members of a policemen's civil service commission to serve on other local boards and commissions.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Herb Snyder,
Chair.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill No. 2717, Requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill No. 2754, Relating to further defining a retailer engaging in business in this state for purposes of sales and use taxes.

And,

Eng. House Bill No. 2851, Establishing a one time audit cost amnesty program for local governments with delinquent audit costs.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill No. 2759, Relating to standards for emergency medical service personnel.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2759) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Snyder, the bill was referred to the Committee on Finance.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill No. 2780, Relating generally to multidisciplinary team meetings for juveniles committed to the custody of the West Virginia Division of Juvenile Services.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2848, Providing the process for requesting a refund after forfeiture of rights to a tax deed.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill No. 2897, Declaring certain claims against the state and its agencies to be moral obligations of the state.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Laird, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Eng. Com. Sub. for House Bill No. 3020, Improving boat dock and marina safety.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

William R. Laird IV,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Natural Resources pending.

Without objection, the Senate returned to the third order of business.

Executive Communications

The Clerk then presented communications from His Excellency, the Governor, advising that on April 10, 2013, he had approved **Enr. Committee Substitute for Senate Bill No. 359, Enr. House Bill No. 2487, Enr. House Bill No. 2784 and Enr. House Bill No. 3013.**

The Senate again proceeded to the sixth order of business, which agenda includes the making of main motions.

On motion of Senator Palumbo, the Senate requested the return from the House of Delegates of

Eng. Com. Sub. for House Bill No. 2815, Clarifying and modifying the process of appointing and terminating guardians for minors.

Passed by the Senate in prior proceedings today,

The bill still being in the possession of the Senate,

On motion of Senator Palumbo, the Senate reconsidered its action by which in earlier proceedings today it adopted the Judiciary committee amendment to the title of the bill (*shown in the Senate Journal of today, pages 1427 and 1428*).

The vote thereon having been reconsidered,

The question again being on the adoption of the Judiciary committee amendment to the title of the bill.

At the request of Senator Palumbo, as chair of the Committee on the Judiciary, and by unanimous consent, the Judiciary committee amendment to the title of the bill was withdrawn.

On motion of Senator Palumbo, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2815—A Bill to amend and reenact §44-10-3 of the Code of West Virginia, 1931, as amended, relating generally to clarifying and modifying the process of appointing and terminating guardians for minors; authorizing concurrent jurisdiction of circuit and family courts for appointment of guardian for a minor; providing venue for petition for appointment; providing proceedings to be conducted in accordance with the Rules of Practice and Procedure for Minor Guardianship Proceedings; providing process for appointment of guardian; setting forth when the circuit clerk is to notify the court of the filing of a petition and when the court is to hold a hearing; setting forth what the court is to consider in appointing a guardian; providing for the appointment of a temporary guardian; providing for the termination or revocation of the guardianship appointment; and providing for the confidentiality of a guardian proceeding.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Facemire, unanimous consent being granted, Senators Facemire, Plymale, Kessler (Mr. President), Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost offered the following resolution from the floor:

Senate Concurrent Resolution No. 62—Urging the United States Army Corps of Engineers and Federal Highways Administration to respect state land use planning processes in carrying out their duties under the National Environmental Policy Act and Clean Water Act and to reject any proposed alternatives which fail to give full effect to state land use planning decisions and urging the United States Environmental Protection Agency to cease its interference with achievement of the goals of state land use planning.

Whereas, The Constitution of the United States of America establishes a system of dual sovereignty in which certain powers and authority are assigned to the federal government and certain powers and authority are reserved to state governments; and

Whereas, The Constitution reserves power and authority over land use planning to state and local governments; and

Whereas, Congress, in the first section of the federal Clean Water Act, makes it clear that “[i]t is the policy of the Congress to recognize, preserve and protect the primary responsibilities of States . . . to plan the development and use (including restoration, preservation and enhancement) of land and water resources”, 33 U. S. C. §1251(b); and

Whereas, Historically, the economies of the coalfield counties of West Virginia have lacked the diversification necessary to sustain them following the extraction of the readily mineable coal in these counties, primarily due to a lack of developable land; and

Whereas, The Legislature recognized the unique ability of the mining industry to address this issue by creating developable land as a post-mine land use. Therefore, it has established a land use planning process calling for Land Use Master Plans to be developed at the county level, subject to standards established by the Office of Coalfield Community Development, to plan for post-coal mining economic development in these areas; and

Whereas, It was the intent of the Legislature that counties emulate in their land use planning processes the model developed by the Mingo County Redevelopment Authority under the direction of former executive director, the late Mike Whitt; and

Whereas, In 2002, the Mingo County Redevelopment Authority hired an engineering company to develop a Land Use Master Plan. The authority entered into a collective agreement with a mining contractor to construct a utilities corridor, whereby the following year the West Virginia Department of Transportation signed a contract with the contractor for construction of the I-73/I-74 King Coal Highway, Red Jacket Section, and the Federal Highway Administration authorized funds for the project; and

Whereas, In 2004, Mike Whitt and the Mingo County Redevelopment Authority were awarded the EPA's Region 3 Phoenix Award, an award that recognizes individuals and groups who are working to solve the critical environmental challenge of transforming abandoned industrial areas into productive new uses. The most notable of new uses are development of the Mingo County Wood Products and Industrial Park; development of the Belo Industrial Park; development of Mingo County Fish Hatchery; construction of the new Mingo Central High School; construction of the Air Transportation Park; and construction of the Coal-To-Liquids Plant; as well as future housing subdivisions, commercial developments and recreation areas such as the Twisted Gun Golf Course; and

Whereas, These plans were developed by the Mingo County Redevelopment Authority through public meetings and public hearings and were eventually approved by the Mingo County commission; and

Whereas, The Mingo County Land Use Master Plan envisions that the land on the top of Buffalo Mountain and vicinity in Mingo County be utilized for construction of the four-lane I-73/I-74 King Coal Highway along with hundreds of acres of flat land alongside it for economic development; and

Whereas, Senator Robert Byrd secured \$3 million for infrastructure development for the corridor construction and secured an additional \$3.2 million in 2008; and

Whereas, The West Virginia Department of Environmental Protection (DEP) has approved a surface mine permit for Consol of Kentucky which authorizes Consol of Kentucky to mine Buffalo Mountain and vicinity and requires it to provide the road bed for a five-mile segment of the King Coal Highway, along with hundreds of acres of developable land alongside it, all at no cost to the state or the federal government; and

Whereas, The construction of the I-73/I-74 Corridor from Taylorsville to Gilbert Creek, approximately eleven miles, includes infrastructure improvements and planned development, utilizing each valuable section of property for a “greater and better use” as defined in the Clean Water Act of 1972; and

Whereas, The post-mine land use approved by the Department of Environmental Protection for Buffalo Mountain and vicinity fully comports with the Mingo County Land Use Master Plan and will save the federal and state governments over \$110 million in highway construction costs and will provide Mingo County the opportunity to achieve a diversified post-coal economy, all as intended by the Legislature; and

Whereas, The Army Corps of Engineers is considering the application of Consol of Kentucky for the permit Consol needs under Section 404 of the federal Clean Water Act in order to accomplish its mining and approved post-mine land use in accordance with the Mingo County Land Use Master Plan; and

Whereas, Incident to the Corps' Section 404 permitting, it is participating with the Federal Highways Administration in development of a Supplemental Environmental Impact Statement under the National Environmental Policy Act for the highway alignment on Buffalo Mountain, economic development, mining and other ancillary activities; and

Whereas, The United States Environmental Protection Agency (EPA) is advocating that the Federal Highways Administration and the Corps consider its alternative design for the mine and highway road bed, which would eliminate all of the flat land for economic development along the highway, disregarding and contradicting the Mingo County Land Use Master Plan and the whole purpose behind the land use planning policy established for this sovereign state by the Legislature; and

Whereas, The Federal Highways Administration and the Corps are accepting comments on their Draft Supplemental Environmental Impact Statement through May 22, 2013; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges the United States Army Corps of Engineers and Federal Highways Administration to respect state land use planning processes in carrying out their duties under the National Environmental Policy Act and Clean Water Act and to reject any proposed alternatives which fail to give full effect to state land use planning decisions and urges the United States Environmental Protection Agency to cease its interference with achievement of the goals of state land use planning; and, be it

Further Resolved, That the West Virginia Legislature declares that the post-mine land use approved by the Department of Environmental Protection for Buffalo Mountain to be in accordance with the Mingo County Land Use Master Plan and the state's policy for land use planning; and, be it

Further Resolved, That the Legislature strongly believes the alternative design advocated by the United States EPA: (1) Violates the Mingo County Land Use Master Plan and the state's policy for land use planning; (2) cannot be considered to be a legitimate alternative to the design approved by the DEP; and (3) must be rejected by the Army Corps of Engineers and Federal Highways Administration; and, be it

Further Resolved, That the Legislature requests that the United States EPA respect the state's land use planning processes and cease its interference in the state's attempts to achieve the goals of these processes in this case and in all others; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Governor of West Virginia for inclusion, along with any remarks he cares to provide as to the comments of the State of West Virginia on this matter, to the Army Corps of Engineers, Federal Highways Administration, United States EPA, Council on Environmental Quality and such other persons as he sees fit.

At the request of Senator Facemire, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Thursday, April 11, 2013, at 11 a.m.

THURSDAY, APRIL 11, 2013

The Senate met at 11 a.m.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by Pastor Thomas C. Shepherd, Bible Baptist Church, MacArthur, West Virginia.

Pending the reading of the Journal of Wednesday, April 10, 2013,

On motion of Senator Beach, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 60, Relating to name-change notice publication requirements.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 25. CHANGE OF NAME.

§48-25-101. Petition to circuit court or family court for change of name; contents thereof; notice of application.

(a) ~~Any~~ A person desiring a change of his or her own name, or that of his or her child, may apply to the circuit court or family court of the county in which he or she resides by a verified petition setting forth and affirming the following:

(1) That he or she has been a bona fide resident of the county for at least one year prior to the filing of the petition or that he or she is a nonresident of the county who was born in the county, was married in the county and was previously a resident of the county for a period of at least fifteen years;

(2) The cause for which the change of name is sought;

(3) The new name desired;

(4) The name change is not for purposes of avoiding debt or creditors;

(5) The petitioner seeking the name change is not a registered sex offender pursuant to any state or federal law;

(6) The name change sought is not for purposes of avoiding any state or federal law regarding identity;

(7) The name change sought is not for any improper or illegal purpose;

(8) The petitioner is not a convicted felon in any jurisdiction;
and

(9) The name change sought is not for any purpose of evading detection, identification or arrest by any local, state or federal law-enforcement agency; and

(10) Whether or not the petitioner desires to protect his or her identity for personal safety reasons.

(b) ~~Prior to~~ After filing the petition and at least ten days before the hearing to consider the application, the person shall cause a notice of the time and place that the application will be made to be published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code. The petitioner shall in the notice set forth the name to which his or her name will be changed, unless as shown in the petition to the court, the name change is being requested because the petitioner desires to protect his or her identity for personal safety reasons: *Provided,* That upon good cause shown, there may be a closed hearing. The publication area for the publication is the county. ~~Provided, That~~ the The publication shall contain a provision that the hearing may be rescheduled without further notice or publication.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 60—A Bill to amend and reenact §48-25-101 of the Code of West Virginia, 1931, as amended, relating to change of name; establishing certain time frames to publish the notice for name change; requiring the published notice to include the petitioner's proposed new name; providing an exception to the inclusion of the proposed new name in the publication; and providing for a closed hearing in certain circumstances.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 60, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 60) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 71, Requiring descriptions of easements and rights-of-way include width in addition to centerline; exception.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page four, section five-a, line thirty-seven, by striking out the words “section twelve, article thirteen-a, chapter thirty” and inserting in lieu thereof the words “section two-a, article one, chapter thirty-nine”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 71, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 71) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill No. 108, Creating Unintentional Pharmaceutical Drug Overdose Fatality Review Team.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §48-25A-1, §48-25A-2 and §48-25A-3 of the Code of West Virginia, 1931, as amended, be repealed; that §48-27A-1, §48-27A-2 and §48-27A-3 of said code be repealed; that §49-5D-5 of said code be repealed; that said code be amended by adding thereto a new article, designated §61-12A-1, §61-12A-2, §61-12A-3, §61-12A-4 and §61-12A-5, all to read as follows:

ARTICLE 12A. FATALITY REVIEW TEAM.

§61-12A-1. Fatality review team.

(a) A fatality review team is created under the Office of the Chief Medical Examiner. The fatality review team combines the Maternal Mortality Review Team, the Domestic Violence Fatality Review Team and the Child Fatality Review Team. The fatality review team is a multidisciplinary team created to examine, review and analyze the deaths of all persons in West Virginia who die as a result of unintentional prescription or pharmaceutical drug overdoses; the deaths of children under the age of eighteen years; the deaths resulting from suspected domestic violence; and the deaths of all infants and of all women who die during pregnancy, at the time of birth or within one year of the birth of a child.

(b) The fatality review team shall consist of the following:

(1) The Chief Medical Examiner in the Bureau for Public Health or his or her designee, who is to serve as the chairperson and who is responsible for calling and coordinating all meetings;

(2) The Commissioner of the Bureau for Public Health or his or her designee;

(3) The Superintendent of the West Virginia State Police or his or her designee; and

(4) A prosecuting attorney or his or her designee, as appointed by the Governor.

(c) Each member serve for a term of three years, unless otherwise reappointed to a second or subsequent term. Members shall continue to serve until their respective terms expire or until their successors have been appointed.

(d) Each member shall serve without additional compensation and may not be reimbursed for any expenses incurred in the discharge of his or her duties under the provisions of this article.

§61-12A-2. Responsibilities of the fatality review team.

(a) The fatality review team shall:

(1) Review and analyze all deaths as required by this article;

(2) Ascertain and document the trends, patterns and risk factors;

(3) Provide statistical information and analysis regarding the causes of certain fatalities.

(b) During the review process, the team may include any additional persons with expertise or knowledge in a particular field that it determines is needed in the review and consideration of a

particular case as a result of a death in subsection (a), section one of this article.

(c) The fatality review team, in the exercise of its duties as defined in this section, may not:

(1) Call witnesses or take testimony from individuals involved in the investigation of a fatality;

(2) Contact a family member of the deceased;

(3) Enforce any public health standard or criminal law or otherwise participate in any legal proceeding; or

(4) Otherwise take any action which, in the determination of a prosecuting attorney or his or her assistants, impairs the ability of the prosecuting attorney, his or her assistants or any law-enforcement officer to perform his or her statutory duties.

(d) The fatality review team shall submit an annual report to the Governor and to the Legislative Oversight Commission on Health and Human Resources Accountability concerning its activities within the state. The report is due annually on December 1. The report is to include statistical information concerning cases reviewed during the year, trends and patterns concerning these cases and the team's recommendations to reduce the number of unintentional pharmaceutical drug overdose fatalities in the state.

§61-12A-3. Access to information; other agencies of government required to cooperate.

(a) Notwithstanding any other provision of this code to the contrary, the fatality review team may request information and records as necessary to carry out its responsibilities. Records and information that may be requested under this section include:

(1) Medical, dental and mental health records;

(2) Substance abuse records to the extent allowed by federal law; and

(3) Information and records maintained by any state, county and local government agency, except as provided in subsection (c), section two of this article.

(b) State, county and local government agencies shall provide the fatality review team with any information requested in writing by the team.

§61-12A-4. Confidentiality.

(a) Proceedings, records and opinions of the fatality review team are confidential and are not subject to discovery, subpoena or introduction into evidence in any civil or criminal proceeding. This section does not limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another source and entirely independent of the proceedings of the fatality review team.

(b) Members of the fatality review team may not be questioned in any civil or criminal proceeding regarding information presented in or opinions formed as a result of a meeting of the team. This subsection does not prevent a member of the fatality review team from testifying to information obtained independently of the team or which is public information.

(c) Proceedings, records and opinions of the fatality review team are exempt from disclosure under the Freedom of Information Act, as provided in chapter twenty-nine-b of this code.

§61-12A-5. Rules.

The Office of the Chief Medical Examiner, in consultation with the fatality review team, shall propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code. Those rules shall include, at a minimum:

(1) The standard procedures for the conduct of the fatality review team;

(2) The processes and protocols for the review and analysis of fatalities of those who were not suffering from mortal diseases shortly before death;

(3) The processes and protocols to ensure confidentiality of records obtained by the fatality review team; and

(4) Other rules as may be deemed necessary to effectuate the purposes of this article.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 108—A Bill to repeal §48-25A-1, §48-25A-2 and §48-25A-3 of the Code of West Virginia, 1931, as amended; to repeal §48-27A-1, §48-27A-2 and §48-27A-3 of said code; to repeal §49-5D-5 of said code; and to amend said code by adding thereto a new article, designated §61-12A-1, §61-12A-2, §61-12A-3, §61-12A-4 and §61-12A-5, all relating to a fatality review team; combining other fatality review teams; setting forth membership of the team; setting forth terms of office; setting forth responsibilities of the team; providing for certain actions the team may not take in exercising its duties; requiring an annual report; providing confidentiality; setting forth record-keeping requirements; authorizing access to certain records; requiring certain agencies to cooperate with the team; and requiring the promulgation of legislative rules.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 108, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 108) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill No. 158, Creating Complete Streets Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

Eng. Com. Sub. for House Bill No. 2314, Authorizing a family court judge to order a child to be taken into custody in emergency situations.

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill No. 2471, Prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

On further motion of Senator Unger, the Senate acceded to the request of the House of Delegates and receded from its amendments to the bill.

Engrossed Committee Substitute for House Bill No. 2471, as amended by deletion, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2471) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

Eng. Com. Sub. for House Bill No. 2521, Relating to the West Virginia Contraband Forfeiture Act.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2538—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2013, in the amount of \$3,500,000 from the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, activity 236, and in the amount of \$1,500,000 from the State Election Commission, Supreme Court Public Campaign Financing Fund, fund 1690, fiscal year 2013, organization 1601, and in the amount of \$2,500,000 from the Department of Administration, Office of the Secretary, State Employee Sick Leave Fund, fund 2045, fiscal year 2013, organization 0201, and in the amount of \$18,317,356.29 from the Department of Administration, Education, Arts, Sciences and Tourism Debt Service Fund, fund 2252, fiscal year 2013, organization 0211, and in the amount of \$3,800,000 from the Department of Administration, Division of General Services, 2004 Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2013, organization 0211, and in the amount of \$8,000,000 from the Department of Administration, Board of Risk and Insurance Management, Premium Tax Saving Fund, fund 2367, fiscal year 2013, organization 0218, and in the amount of \$5,000,000 from the West Virginia Health Care Authority, Health Care Cost Review Authority Fund, fund 5375, fiscal year 2013, organization 0507, and in the amount of \$2,000,000 from the Department of Health and Human Resources, Division of Human Services, Low Income Energy Assistance Program Fund, fund 5081, fiscal year 2013, organization 0511, and in the amount of \$4,600,000 from the Department of Revenue, State Budget Office, Public Employees Insurance Reserve Fund, fund 7400, fiscal year 2013, organization 0703, and in the amount of \$30,000,000 from the Department of Revenue, Insurance Commissioner, Insurance Commission Fund,

fund 7152, fiscal year 2013, organization 0704, and in the amount of \$14,736,022 from the Department of Revenue, Lottery Commission, Revenue Center Construction Fund, fund 7209, fiscal year 2013, organization 0705, 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 Administration, Division of Finance, fund 0203, fiscal year 2013, organization 0209, to the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2013, organization 0307, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2013, organization 0310, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2013, organization 0506, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2013, organization 0511, to the Department of Military Affairs and Public Safety - Office of the Secretary, fund 0430, fiscal year 2013, organization 0601, to the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2013, organization 0608, to the West Virginia Council for Community and Technical College Education - Control Account, fund 0596, fiscal year 2013, organization 0420, and to the Higher Education Policy Commission - Administration - Control Account, fund 0589, fiscal year 2013, organization 0441, and to the Higher Education Policy Commission - Control Account, fund 0586, fiscal year 2013, organization 0442, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 2541—A Bill making a supplementary appropriation from the State Fund, State Excess Lottery Revenue

Fund, to the Department of Health and Human Resources, Division of Human Services, fund 5365, fiscal year 2013, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 20, 2013.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2553, Authorizing the Secretary of State to administratively dissolve certain business entities.

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill No. 2585, Increasing the time to file a petition in response to notice of an increased assessment.

On motion of Senator Unger, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Kessler (Mr. President) appointed the following conferees on the part of the Senate:

Senators Tucker, Cookman and Carmichael.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, of

Eng. Com. Sub. for House Bill No. 2652, Authorizing the Department of Administration to promulgate legislative rules.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect July 1, 2013, of

Eng. Com. Sub. for House Bill No. 3086, Relating to juvenile services and criminal justice institutions.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 56—Requesting that bridge number 2-6-0.96 being constructed on County Route 6, Dry Run Road, crossing Back Creek near Hedgesville, Berkeley County, West Virginia, be named the “John Edgar Saville Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 112—Requesting that bridge number 30-3/2-0.03, currently known as the Dingess Concrete Bridge, 0.13 mile east of Route 3/12, on County Route 3/2 over Moses Fork, Mingo County, West Virginia, be named the “Army Command Sergeant Major Wade Damron Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 120—Requesting the Division of Highways to name bridge number 44-905-0.61 on Market Street near the junction with Front Street in the City of Spencer, Roane County, West Virginia, the “1st Sergeant Walter Criss Bridge, United States Army”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 121—Requesting that bridge number 54-68-23.53 on Routes 2 and 68, known as the I-77 overpass in Wood County, West Virginia, be named the “U.S. Navy LSC (SS) Andrew Scott Mollohan Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 125—Requesting the Division of Highways name bridge number 54-14-7.55, currently known as the “Mineral Wells I-77 Overpass Bridge”, carrying both north and south bound lanes, in Wood County, the “Army Sergeant Richard Bowry Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 126—Requesting the Division of Highways to rename a one mile stretch of Route 49,

Schoolhouse Road, in Matewan, West Virginia, the middle point of which shall be the point in the road closest to the Matewan High School football field, the “John Jacob Fry II Memorial Highway”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 133—Requesting that bridge number 50-64-2.03, the I-64 bridge that spans Twelve Pole Creek in Ceredo, Wayne County, West Virginia, be named the “James T. and Paul T. Billups Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 135—Proclaiming West Virginia as a Purple Heart State, honoring the service and sacrifices of our nation’s men and women in uniform wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans.

Referred to the Committee on Government Organization.

Executive Communications

Senator Kessler (Mr. President) laid before the Senate the following proclamation from His Excellency, the Governor, extending this current legislative session until and including the nineteenth day of April, two thousand thirteen, which was received and read by the Clerk:

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
CHARLESTON

A P R O C L A M A T I O N

By the Governor

WHEREAS, The Constitution of West Virginia delineates the respective powers, duties and responsibilities of the three separate branches of government; and

WHEREAS, Article VI, Section 22 of the Constitution of West Virginia provides that the current regular session of the Legislature shall not exceed sixty calendar days computed from and including the second Wednesday of February; and

WHEREAS, Pursuant to Article VI, Section 22 of the Constitution of West Virginia, the 2013 regular session of the Legislature concludes on the thirteenth day of April, two thousand thirteen; and

WHEREAS, Article VI, Section 51 of the Constitution of West Virginia sets forth the legal authority of the Governor and the Legislature relating to the preparation and enactment of the Budget Bill; and

WHEREAS, Subsection D, Article VI, Section 51 of the Constitution of West Virginia requires the Governor to issue a Proclamation to extend the regular session of the Legislature if the Budget Bill shall not have been fully acted upon by the Legislature three days before the expiration of its regular session.

NOW, THEREFORE, I, EARL RAY TOMBLIN, Governor of the State of West Virginia, do hereby issue this Proclamation, in accordance with Article VI, Section 51, Subsection D(8) of the Constitution of West Virginia, to extend this regular session of the

Legislature for consideration of the Budget Bill for an additional period not to exceed six days, through the nineteenth day of April, two thousand thirteen; but no matters other than the Budget Bill shall be considered during this extension of the session, except a provision for the cost thereof.

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, on this the tenth day of April, in the year of our Lord, Two Thousand Thirteen, and in the One Hundred Fiftieth year of the State.

EARL RAY TOMBLIN,
Governor.

By the Governor:

NATALIE E. TENNANT,
Secretary of State.

The Senate proceeded to the fourth order of business.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2352, Clarifying that the West Virginia Department of Environmental Protection does not assume a mine operator's obligations or liabilities under the Water Pollution Control Act.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2352) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on the Judiciary pending.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill No. 2434, Relating to compensation in the magistrate court system.

With amendments from the Committee on the Judiciary pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on the Judiciary to which the bill was first referred.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Eng. H. B. No. 2434) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill No. 2469, Increasing the cap on earnings during temporary reemployment after retirement.

With an amendment from the Committee on Pensions pending;

Now on second reading, having been read a first time and referred to the Committee on Finance on April 9, 2013;

And reports the same back with the recommendation that it do pass as amended by the Committee on Pensions to which the bill was first referred.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2571, Relating to who may serve as members of the environmental quality board.

With amendments from the Committee on Government Organization pending;

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on April 9, 2013;

And reports the same back with the recommendation that it do pass as amended by the Committee on Government Organization to which the bill was first referred.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill No. 2577, Relating to the practice of pharmacist care.

With amendments from the Committee on Health and Human Resources pending;

And has also amended same.

Now on second reading, having been read a first time and referred to the Committee on Government Organization on April 9, 2013;

And reports the same back with the recommendation that it do pass as last amended by the Committee on Government Organization.

Respectfully submitted,

Herb Snyder,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2689, Authorizing miscellaneous Boards and Agencies to promulgate legislative rules.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2689) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2733, Relating to hearings before the Office of Administrative Hearings.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2733) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill No. 2805, Making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2805) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill No. 2825, Relating to certain appointive state officers salaries.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2825) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill No. 2837, Amending various provisions of the Code affecting the Treasurer's Office.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2837) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 3145, Removing the existing maximum quantities of beer that retailers can sell for off premises.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 3145) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill No. 3161, Repealing section relating to additional fee to be collected for each marriage license issued.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Eng. H. B. No. 3161) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

The Senate proceeded to the sixth order of business.

Senators Kirkendoll, Kessler (Mr. President), Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost offered the following resolution:

Senate Concurrent Resolution No. 63—Recognizing July 16 as “Atomic Veterans Day of Remembrance” in West Virginia.

Whereas, On July 16, 1945, the world’s first atomic bomb, code-named “Trinity” was detonated in Alamogordo, New Mexico, and from that date until June 12, 1963, there were 1,054 nuclear devices detonated in tests considered vital to our national security, and approximately 750,000 U. S. military and civilian personnel participated in these experimental endeavors; and

Whereas, Many of the nation’s veterans, including residents of West Virginia, were subjected to varying amounts of radiation because of this testing of atomic weapons; and

Whereas, The potential harm to these veterans was unknown at the time of the testing, resulting in the exposure of many veterans to

harmful doses of radiation and causing them to suffer debilitating, degenerative diseases that affect the veterans and their descendants; and

Whereas, Veterans who were early test subjects were required to sign an oath of secrecy regarding their involvement in the atomic testing, preventing these veterans from informing the Veterans Health Administration of their medical problems that resulted from radiation until 1996, when these veterans were released from their oaths of secrecy; and

Whereas, In 1979, the National Association of Atomic Veterans was created to locate these veterans, to honor the sacrifices they made and to help these veterans and their families in obtaining medical treatment and assistance; and

Whereas, By engaging in a national research and education effort for atomic war veterans, the National Association of Atomic Veterans is promoting early detection of medical problems and research and documentation of the connection between radiation exposure and resultant cancer and other debilitating, degenerative diseases and genetic mutations; and

Whereas, In the time since these detonations, roughly fifty percent of the men and women who participated in the testing have experienced the harmful effects of exposure to ionizing radiation, yet these veterans who were injured in the line of duty received no medals because they were not in combat; and

Whereas, The number of members in this group is rapidly decreasing because of the age of these veterans, and thus it is important to recognize these individuals who sacrificed so much in serving our country and who are deserving of our immense gratitude; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby recognizes July 16 as “Atomic Veterans Day of Remembrance” in West Virginia; and, be it

Further Resolved, That the Legislature encourages the Governor, the Department of Veterans’ Assistance and all West Virginians to take part in this significant observance; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to Haskell Watts, Jr., West Virginia State Commander of the National Association of Atomic Veterans, the Secretary of the West Virginia Department of Veterans’ Assistance and the Governor of West Virginia.

Which, under the rules, lies over one day.

Senators Chafin, Cole, Stollings, Unger and D. Hall offered the following resolution:

Senate Concurrent Resolution No. 64—Requesting the Division of Highways to name County Route 15, Mercer County, between mileposts 0.00 and 5.1 from Bramwell, West Virginia, to Montcalm, West Virginia, the “River Road Music Heritage Trail”.

Whereas, The Bluestone River, originating with a trickle out of a spring at East River Mountain, flows its course to the mighty Bluestone Dam in Summers County, West Virginia; and

Whereas, Rock cliffs, small waterfalls, springs and gorges all make up the beauty of the Bluestone River’s seventy-seven miles; and

Whereas, The Bluestone River grows wider and deeper as it collects these mountain streams and creeks; and

Whereas, The Bluestone River collects Simmons Creek at Bramwell and Lorton Lick at Montcalm, the beginning of the River Road; and

Whereas, River Road flows along the Bluestone River and the original Norfolk & Western Railroad line; and

Whereas, The Bluestone River is a geographic divider of coal to its northwest. It was this rich seam of Pocahontas coal that created a coal boom in the 1880s. It was the new industry of coal-mining that brought families to southern West Virginia for jobs in mining, railroading and related industries; and

Whereas, These pioneer families brought not only hard-working ethics but also their talents and gifts; and

Whereas, From Simmons Creek to Lorton Lick six families gave the world the enduring gift of their musical heritage; and

Whereas, Working hard for a living from sunrise, relaxation was spent on front porches at dusk, listening to the lonesome whistle of coal and passenger trains chugging up the river, and playing music and singing songs handed down to younger generations. Neighbors up and down the River Road were serenaded at twilight by these families; and

Whereas, The Goins brothers, the Dillon family, the Kirby family, the Duncan family and West Virginia's own Hazel Dickens are well known for their contributions to bluegrass, gospel, traditional mountain music and even rock and roll; and

Whereas, These families made unquantifiable contributions to music during almost a century in the early days of coal; and

Whereas, As Lorton Lick empties into the Bluestone River, the community of Montcalm sprang up, where Hazel Dickens grew up on a mountainside there, overlooking the river; and

Whereas, Hazel Dickens spent a lifetime making others feel good with her songs; and

Whereas, Hazel Dickens' final resting place is in Mercer County; and

Whereas, It is fitting and proper that in this, the 150th year of the State of West Virginia and the 125th year of Bramwell, West Virginia, that the Legislature of West Virginia recognizes the legendary families of bluegrass, gospel and traditional mountain music who were born and grew up along the Bluestone River with the gift of music in their hearts and a desire to share that gift with the world; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name County Route 15, Mercer County, between mileposts 0.00 and 5.1 from Bramwell, West Virginia, to Montcalm, West Virginia, the "River Road Music Heritage Trail"; and, be it

Further Resolved, That the Legislature is hereby requested to name each one-mile stretch of the "River Road Music Heritage Trail" "The Goins Brothers Mile of the River Road Music Heritage Trail", "The Dillon Family Mile of the River Road Music Heritage Trail", "The Kirby Family Mile of the River Road Music Heritage Trail", "The Raines Family Mile of the River Road Music Heritage Trail" and "The Hazel Dickens Mile of the River Road Music Heritage Trail", respectively, with "The Hazel Dickens Mile of the River Road Music Heritage Trail" concluding in Montcalm, West Virginia; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the "River Road Music Heritage Trail", "The Goins Brothers Mile of the River Road Music Heritage Trail", "The Dillon Family Mile of the River Road Music Heritage Trail", "The Kirby Family Mile of the River Road Music Heritage Trail", "The Raines Family Mile of the River Road Music Heritage Trail" and "The Hazel Dickens Mile of the River Road Music Heritage Trail"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to the Mayor of Bramwell, West Virginia.

Which, under the rules, lies over one day.

Senators Stollings, Yost, Wells, Unger, Williams, Prezioso, Kessler (Mr. President), D. Hall, Jenkins, Tucker and Fitzsimmons offered the following resolution:

Senate Concurrent Resolution No. 65—Designating the State of West Virginia as a Purple Heart State.

Whereas, General George Washington, as the leader of the Continental Army, first introduced the Badge of Military Merit in 1782, instructing that it be awarded “not only [in] instances of unusual gallantry, but also of extraordinary fidelity and essential services in any way”. General Washington went on to describe the figure of a heart in purple cloth, and it eventually became known as the Purple Heart, and is the nation’s oldest military award; and

Whereas, While the badge was not awarded for some years after the Revolutionary War, and only intermittently during the late 1920s, on February 22, 1932, the two hundredth anniversary of George Washington’s birth, General Douglas MacArthur announced the reestablishment of the Purple Heart Medal, in memory and honor of George Washington’s military achievements; and

Whereas, Veterans of West Virginia have paid the high price of freedom by leaving their families and communities and placing themselves in harm’s way for the good of all; and

Whereas, The contributions and sacrifices of the men and women from the State of West Virginia who have served and are serving in the armed forces have been vital in maintaining the freedoms and way of life enjoyed by its citizens; and

Whereas, Many men and women in uniform have given their lives while serving in the armed forces; and

Whereas, Many citizens of the State of West Virginia have earned the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force, recognized as a singularly meritorious act of essential service; and

Whereas, The State of West Virginia has previously recognized and honored this service and sacrifice by providing for Purple Heart license plates, designating a Purple Heart Trail on West Virginia highways, designating each year by Governor's proclamation that August 7 be designated as West Virginia Purple Heart Day and by West Virginia Code §18B-10-10, the Medal of Honor and Andrew J. Trail Purple Heart Recipient Tuition Waiver, that recognizes Purple Heart recipients with a tuition waiver for undergraduate studies at a state institution; and

Whereas, The people of the State of West Virginia have a great admiration and the utmost gratitude for all of the men and women who have selflessly served their country and this state in the armed forces, and recognize that each made sacrifices to do so; and

Whereas, It is a privilege to honor those whose service and sacrifice was recognized with the awarding of a Purple Heart Medal; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby designates the State of West Virginia as a Purple Heart State; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Governor of West Virginia and the Secretary of the Department of Veterans' Assistance.

Which, under the rules, lies over one day.

Senators D. Hall, Cann, Chafin, Facemire, Green, Kirkendoll, Snyder, Tucker, Stollings, Unger, Williams, Kessler (Mr. President), Wells and Plymale offered the following resolution:

Senate Concurrent Resolution No. 66—Requesting the Joint Committee on Government and Finance to study state insurance rates and audit of rate approval system, to include the process for all coverages and especially the process on rate filings.

Whereas, The Legislature recognizes the importance of the processes required to arrive at fair and accurate insurance rates; and

Whereas, Fair and accurate insurance rates are necessary for equitable treatment and for maintaining public confidence in available insurance; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study state insurance rates and audit of rate approval system, to include the process for all coverages and especially the process on rate filings; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

Which, under the rules, lies over one day.

Senators D. Hall, Cann, Chafin, Facemire, Green, Kirkendoll, McCabe, Plymale, Snyder, Stollings, Tucker, Unger, Williams, Prezioso, Kessler (Mr. President), Wells, Cole, Carmichael and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 67—Urging the United States Congress to support funding and completion of the Coalfields Expressway and King Coal Highway.

Whereas, The Coalfields Expressway, U. S. Route 121, was planned as a four-lane, partial-access highway approximately sixty-five miles in length, to serve an area from Interstate routes 77 and 64 near Beckley, West Virginia, to U. S. Route 23 in Virginia; and

Whereas, The Coalfields Expressway was identified as National Highway System High Priority Corridor Number 29 in 1995; and

Whereas, The Coalfields Expressway, when completed, will be an economic lifeline to this area of high unemployment, and will provide a modern highway, increasing the safety and efficiency of both domestic travel and commercial transport through the coalfields of southwestern Virginia and southern West Virginia; and

Whereas, The King Coal Highway is planned as a four-lane modern artery between Bluefield and Williamson, West Virginia; and

Whereas, In 1995, the King Coal Highway was planned as part of High Priority Corridor Number 5 (the Great Lakes/Mid-Atlantic Corridor) pursuant to the Intermodal Surface Transportation Efficiency Act of 1991; and

Whereas, King Coal Highway, upon completion, is expected to reduce travel time between West Virginia Route 65 and Corridor G (U. S. 119) near Belo, West Virginia, to Interstate 77 at its U. S. 52 interchange near Bluefield, from 120 minutes to eighty-seven minutes; and

Whereas, Completion of King Coal Highway is vitally important to the economic development of this area of West Virginia coalfields; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Legislature hereby strongly urges the United States Congress to support funding and completion of the Coalfields Expressway and King Coal Highway; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives and each member of West Virginia's congressional delegation.

Which, under the rules, lies over one day.

At the request of Senator Unger, and by unanimous consent, the Senate returned to the fourth order of business.

Senator Williams, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Concurrent Resolution No. 68 (originating in the Committee on Economic Development)—Requesting the Joint Committee on Government and Finance study small business development in West Virginia, and the role of business coaches in encouraging such small business development and growth.

Whereas, West Virginia has a high number of small businesses, which are a key component to the local and state economy; and

Whereas, Small businesses make up the majority of private employers in the United States and are at the forefront of job creation; and

Whereas, Encouraging development of small businesses is a key in growing West Virginia's economy and providing more good-paying jobs to its citizens; and

Whereas, Business coaches play an important role in helping small businesses grow and operate in a manner that encourages better business decisionmaking, especially in situations where the proprietor does not have a background in business or management; and

Whereas, The West Virginia Small Business Development Center is a key resource in assisting West Virginia small businesses grow and leverage their resources in an orderly and intelligent manner through their programs, which include business coaches; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study small business development in West Virginia, and the role of business coaches in encouraging such small business development and growth; and, be it

Further Resolved, That the West Virginia Department of Commerce and the West Virginia Small Business Development Center are requested to assist the Joint Committee on Government and Finance in its study of the small business development and business coaches; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And,

Senate Concurrent Resolution No. 69 (originating in the Committee on Economic Development)—Requesting the Joint Committee on Government and Finance study the West Virginia Project Launchpad Act; the feasibility of comprehensive tax credits to encourage development of advanced technologies; and the fiscal impact of enacting such comprehensive tax incentive legislation.

Whereas, Vision Shared plays an important role in helping to create a vibrant and diverse economy in West Virginia; and

Whereas, The Legislature has previously set forth its intent that Vision Shared is to help in working toward developing a comprehensive statewide economic development strategy, effectively coordinate economic development programs statewide and develop meaningful agency and program benchmarks and performance-based evaluations; and

Whereas, Vision Shared, working with a combination of business and labor leaders, has determined that the West Virginia Project Launchpad Act will help West Virginia retain its highly skilled and educated workforce, encourage further business development and assist the Legislature in fulfilling the aforementioned goals; and

Whereas, Despite our highly skilled and educated workforce, West Virginia suffers from a lack of advanced technology businesses, many of which offer good-paying jobs that provide good benefits to their employees; and

Whereas, Encouraging development of such businesses is a key in growing West Virginia's economy, providing more good-paying jobs to its citizens and retaining our high school graduates, college graduates and professionals; and

Whereas, Tax credits are an important element in encouraging business development and relocation in West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the West Virginia Project Launchpad Act; the feasibility of comprehensive tax credits to encourage development of advanced technologies; and the fiscal impact of enacting such comprehensive tax incentive legislation; and, be it

Further Resolved, That Vision Shared and the West Virginia State Tax Department are requested to assist the Joint Committee on Government and Finance in its study of the West Virginia Project Launchpad Act; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And reports the same back with the recommendation that they each be adopted; but with the further recommendation that they first be referred to the Committee on Rules.

Respectfully submitted,

Bob Williams,
Chair.

At the request of Senator Williams, unanimous consent being granted, the resolutions (S. C. R. Nos. 68 and 69) contained in the preceding report from the Committee on Economic Development were taken up for immediate consideration.

On motion of Senator Williams, the resolutions were referred to the Committee on Rules.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 49, Requesting Joint Committee on Government and Finance study impact of Limited Video Lottery Act on children and poverty.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Select Committee on Children and Poverty; and then to the Committee on Rules.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for House Bill No. 2497, Requiring applicants for real estate licensure to undergo criminal history record checks.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2497) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2497—A Bill to amend and reenact §30-40-11 of the Code of West Virginia, 1931, as amended, relating to application for a real estate license; requiring applicants for real estate licensure to undergo criminal history record checks; declaring the criminal history record check requirement is not against public policy; requiring applicants to submit fingerprints for the criminal history record check; requiring applicants to authorize the use of fingerprints to conduct the criminal history record check; prohibiting the release of criminal history records except in certain limited circumstances; declaring that criminal history records are not subject to the Freedom of Information Act; requiring the applicant to pay the actual costs of the criminal history record check; requiring the commission to promulgate a legislative rule to make the procedures and requirements consistent with federal standards before implementing the requirement for criminal history record checks; and requiring the commission to issue a license without requiring a criminal history record check to an attorney in good standing.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 2542, Relating to publication of the State Register.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2542) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. House Bill No. 2542—A Bill to amend and reenact §29A-2-7 of the Code of West Virginia, 1931, as amended, relating to publications of the Secretary of State; requiring the State Register, Code of State Rules and other documents of the Secretary of State be available only in electronic format; exceptions; rule-making authority; and providing that the fees collected for the sale of certain records will be deposited in equal amounts into the General Revenue Fund and the service fees and collections account.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder,

Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2542) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2979, Relating to broadband deployment projects.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2979) passed.

At the request of Senator Snyder, as chair of the Committee on Government Organization, and by unanimous consent, the

unreported Government Organization committee amendment to the title of the bill was withdrawn.

On motion of Senator Snyder, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2979—A Bill to amend and reenact §31-15C-2, §31-15C-4, §31-15C-8, §31-15C-9 and §31-15C-10 of the Code of West Virginia, 1931, as amended, all relating to the Broadband Deployment Council; modifying and adding definitions; clarifying that the data rate for broadband will be the same as specified by the Federal Communications Commission; requiring the Council to give priority for funding for broadband service to unserved areas; requiring annual reports to the Joint Committee on Government and Finance; extending the council's public outreach and education efforts beyond unserved areas; rule-making and emergency rule-making authority; revising the council's guidelines and criteria for funding assistance; modifying the application process for project assistance; and revising notice and publication requirements.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

Senate Bill No. 665, Expiring funds from State Fund, General Revenue, and making supplementary appropriation to Attorney General and DHHR, Consolidated Medical Service Fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill No. 2046, Requiring wireless telecommunications companies to release location information of a missing person's cell phone in a timely manner; the "Kelsey Smith Act".

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2351, Authorizing law enforcement to issue a charge by citation when making an arrest for driving with a suspended or revoked license.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2357, Relating to sexting by minors.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §49-5-13g; and that said code be amended by adding thereto a new section, designated §61-8C-3b, all to read as follows:

CHAPTER 49. CHILD WELFARE.

ARTICLE 5. JUVENILE PROCEEDINGS.

§49-5-13g. Sexting educational diversion program.

(a) Before a juvenile petition is filed for activity proscribed by article eight-a or eight-c, chapter sixty-one of this code, or after probable cause has been found to believe a juvenile has committed a violation thereof, but before an adjudicatory hearing on the

petition, the court or a prosecuting attorney may direct or allow a minor who engaged in such activity to participate in an educational diversion program which meets the requirements of subsection (b) of this section. The prosecutor or court may refer the minor to the educational diversion program, as part of a pre-petition diversion and informal resolution pursuant to the provisions of section two-a of this article; as part of counseling provided pursuant to the provisions of sections three or three-a of this article; or as part of the requirements of an improvement period to be satisfied in advance of an adjudicatory hearing pursuant to the provisions of section nine of this article.

(b) The West Virginia Supreme Court of Appeals may develop an educational diversion program for minors who are accused of activity proscribed by the provisions of article eight-a or eight-c, chapter sixty-one of this code. As a part of any specialized educational diversion program so developed, the following issues and topics should be included:

(1) The legal consequences of and penalties for sharing sexually suggestive or explicit materials, including applicable federal and state statutes;

(2) The nonlegal consequences of sharing sexually suggestive or explicit materials including, but not limited to, the effect on relationships, loss of educational and employment opportunities, and being barred or removed from school programs and extracurricular activities;

(3) How the unique characteristics of cyberspace and the Internet, including searchability, replicability and an infinite audience, can produce long-term and unforeseen consequences for sharing sexually suggestive or explicit materials; and

(4) The connection between bullying and cyber-bullying and minors sharing sexually suggestive or explicit materials.

(c) Once a specialized educational diversion program is established by the West Virginia Supreme Court of Appeals consistent with the provisions of this section, the minor's successful completion of the educational diversion program shall be duly considered by the prosecutor or the court in their respective decisions to either abstain from filing the juvenile petition or to dismiss the juvenile petition, as follows:

(1) If the minor has not previously been judicially determined to be delinquent, and the minor's activities represent a first offense for a violation of section three-b, article eight-c, chapter sixty-one of this code, the minor shall not be subject to the requirements of said section, as long as he or she successfully completes the educational diversion program; and

(2) If the minor commits a second or subsequent violation of article eight-a or eight-c, chapter sixty-one of this code, the minor's successful completion of the educational diversion program may be considered as a factor to be considered by the prosecutor and court in deciding to not file a petition or to dismiss a petition, upon successful completion of an improvement plan established by the court.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 8C. FILMING OF SEXUALLY EXPLICIT CONDUCT OF MINORS.

§61-8C-3b. Prohibiting juveniles from manufacturing, possessing and distributing nude or partially nude images of minors; creating exemptions; declaring a violation to be an act of juvenile delinquency; and providing for the punishment thereof.

(a) Any minor who intentionally possesses, creates, produces, distributes, presents, transmits, posts, exchanges, or otherwise

disseminates a visual portrayal of another minor posing in an inappropriate sexual manner or who distributes, presents, transmits, posts, exchanges or otherwise disseminates a visual portrayal of himself or herself posing in an inappropriate sexual manner shall be guilty of an act of delinquency and upon adjudication disposition may be made by the circuit court pursuant to the provisions of article five, chapter forty-nine of this code.

(b) As used in this section:

(1) "Posing in an inappropriate sexual manner" means exhibition of a bare female breast, female or male genitalia, pubic or rectal areas of a minor for purposes of sexual titillation.

(2) "Visual portrayal" means:

(A) A photograph;

(B) A motion picture;

(C) A digital image;

(D) A digital video recording; or

(E) Any other mechanical or electronic recording process or device that can preserve, for later viewing, a visual image of a person that includes, but is not limited to, computers, cellphones, personal digital assistance and other digital storage or transmitting devices;

(c) It shall be an affirmative defense to an alleged violation of this section that a minor charged with possession of the prohibited visual depiction did neither solicit its receipt nor distribute, transmit or present it to another person by any means.

(d) Notwithstanding the provisions of article twelve, chapter fifteen of this code, an adjudication of delinquency under the

provisions of this section shall not subject the minor to the requirements of said article and chapter.

The bill (Eng. Com. Sub. for H. B. No. 2357), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2399, Protecting livestock in dire or extreme condition.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Agriculture and Rural Development, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §19-18-4, §19-18-5, §19-18-6, §19-18-7, §19-18-8, §19-18-9, §19-18-10, §19-18-11 and §19-18-12 of the Code of West Virginia, 1931, as amended, be repealed; that §19-1C-4 of said code be amended and reenacted; and that §19-18-1, §19-18-2 and §19-18-3 of said code be amended and reenacted, all to read as follows:

ARTICLE 1C. CARE OF LIVESTOCK.

§19-1C-4. Powers and duties of the board.

(a) The board has the following powers and duties to:

(1) Establish standards governing the care and well-being of livestock ~~in this state~~;

(2) Maintain food safety;

(3) Encourage locally grown and raised food; and

(4) Protect West Virginia farms and families.

(b) The board is also authorized to establish standards by legislative rule, pursuant to the provisions of article three, chapter twenty-nine-a of this code, governing the care and well-being of livestock in this state, including:

(1) The agricultural best management practices for the care and well-being of livestock and poultry in this state;

(2) Procedures for addressing complaints regarding the inhumane treatment of livestock and coordinating efforts with county humane officers;

~~(2)~~ (3) Biosecurity, disease prevention, animal morbidity and mortality data;

~~(3)~~ (4) Food safety practices; and

~~(4)~~ (5) The protection of local, affordable food supplies for consumers.

(c) The Department of Agriculture shall administer and enforce the standards established by the board that are approved by the Legislature.

ARTICLE 18. GENERAL LIVESTOCK TRESPASS LAW.

§19-18-1. Livestock trespassing on property of another; damages for injuries to person or property; notice to livestock owner; containment of livestock; costs for containment.

(a) If livestock enters the property of a landowner without that landowner's consent, the owner of the livestock is liable for

damages for personal injury or property damage in a civil action in magistrate or circuit court.

(b) The landowner must attempt to contact the owner of the trespassing livestock within forty-eight hours of the trespass. If the owner cannot be contacted within forty-eight hours, the landowner shall notify the county sheriff.

(c) The landowner may contain the trespassing livestock on his or her property, but is not required to do so. If the landowner is able to contact the owner of the trespassing livestock pursuant to subsection (a) of this section, he or she shall also inform the owner of the costs of containment.

(d) The owner of the trespassing livestock and the landowner shall attempt to mutually agree upon a fair cost for any containment. A fair cost for containment is an amount which would be allowed for the sheriff for containing similar livestock. If the negotiation fails, or if the landowner is not otherwise reimbursed for the costs for containment, the landowner may seek monetary damages in a civil action for these costs.

§19-18-2. Unclaimed livestock; containment by sheriff; sheriff's sale at public auction.

(a) If the owner of trespassing livestock cannot be determined, or if the trespassing livestock has not been recovered within ten days of notifying the owner, the county sheriff shall take possession of the trespassing livestock.

(b) The county sheriff may return the livestock to its owner and seek reimbursement for containment costs. If attempts to return the livestock to the owner fail, the sheriff may, after publishing notice as a Class I legal advertisement, sell the livestock to the highest bidder at a public livestock auction.

(c) The proceeds of the livestock sale shall be distributed in the following order:

(1) Costs incident to the sale;

(2) Costs of containment incurred by the sheriff and the landowner;

(3) Any remaining amount to the owner of the trespassing livestock; and

(4) If the owner is unknown or does not claim the amount remaining within ninety days, that amount shall be deposited into the county treasury.

§19-18-3. Criminal penalties for trespassing livestock.

(a) While livestock may escape enclosures due to accident or unforeseen circumstances, it is unlawful for the owner of livestock to negligently permit livestock to run at large and trespass on the property of other landowners.

(b) If livestock injures a person or destroys the property of another person while negligently trespassing, the owner of the livestock shall be given an oral or written warning for the first offense. For a second offense within six months of the first, the owner is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$100. For a third or subsequent offense within six months of the second or subsequent offense, the owner is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000.

The bill (Eng. Com. Sub. for H. B. No. 2399), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2431, Modifying the application process for obtaining a state license to carry a concealed deadly weapon.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Palumbo, unanimous consent being granted, the bill was advanced to third reading with the unreported Judiciary committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill No. 2453, Expanding the Amber Alert Plan; “SKYLAR’S LAW”.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

On page three, section four, line thirteen, by striking out the word “phone” and inserting in lieu thereof the word “telephone”.

The bill (Eng. Com. Sub. for H. B. No. 2453), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2505, Increasing civil penalties imposed by the Public Service Commission for pipeline safety violations.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill No. 2508, Changing the capital investment threshold amount.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Sypolt, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page seven, section seven, line one hundred thirteen, after the word “district” by inserting the words “in a Class I County or more than \$25 million in a county in classes II through X”;

On page eight, section seven, line one hundred twenty-five, after the word “district” by inserting the words “in a Class I County or more than \$25 million in a county in classes II through X”;

On page eighteen, section seven, line one hundred eighteen, after the word “district” by inserting the words “in a Class I County or more than \$25 million in a county in classes II through X”;

And,

On page eighteen, section seven, line one hundred thirty, after the word “district” by inserting the words “in a Class I County or more than \$25 million in a county in classes II through X”.

Following discussion,

The question being on the adoption of Senator Sypolt’s amendments to the bill, the same was put and did not prevail.

The bill (Eng. H. B. No. 2508) was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2512, Reforming the state Medicaid subrogation statute.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on the Judiciary, were reported by the Clerk, considered simultaneously and adopted:

On page five, section eleven, lines fifty-four through fifty-seven, by striking out all of subdivision (2) and inserting in lieu thereof a new subdivision, designated subdivision (2), to read as follows:

(2) If the recipient has no legal representative and the third party knows or reasonably should know that a recipient has no representation then the third party shall provide notice to the department within sixty days of receipt of a claim or within thirty days of receipt of information or documentation reflecting the recipient is receiving medicaid benefits, whichever is later in time.;

And,

On page five, section eleven, lines sixty-two through sixty-six, by striking out all of subdivision (4) and inserting in lieu thereof a new subdivision, designated subdivision (4), to read as follows:

(4) The department shall provide the recipient and the third party, if the recipient is without legal representation, notice of the amount of the purported subrogation lien within thirty days of receipt of notice of the claim. The department shall provide related supplements in a timely manner, but no later than fifteen days after receipt of a request for same.

The bill (Eng. Com. Sub. for H. B. No. 2512), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2514, Lowering the total amount of tax credits available under the Film Industry Investment Act.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §11-13X-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 13X. WEST VIRGINIA FILM INDUSTRY INVESTMENT ACT.

§11-13X-5. Amount of credit allowed; limitation of the credits.

(a) *Base allowance.* –

The amount of credit allowed to every eligible company, except as provided in subsection (b) of this section, ~~shall be~~ is twenty-seven percent.

(b) *Extra allowance for hiring of local workers.* – Any amount allowed in subsection (a) of this section shall be increased by an additional four percent if the eligible company, or its authorized payroll service company, employs ten or more West Virginia residents as part of its full-time employees working in the state or as apprentices working in the state.

(c) *Application of the credits.* – The tax credit allowed under this section shall be applied to the eligible company's state tax liability as provided in section seven of this article.

(d) *Limitation of the credits.* – No more than \$10 ~~\$5~~ million of the tax credits ~~shall~~ may be allocated by the film office in any given West Virginia state fiscal year. The film office shall allocate the tax credits in the order the applications therefor are received.

The bill (Eng. Com. Sub. for H. B. No. 2514), as amended, was then ordered to third reading.

Eng. House Bill No. 2516, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2519, Relating to reallocation and repatriation of certain funds to the General Revenue Fund.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2548, Increasing the criminal penalties for assaults and batteries against athletic officials.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2554, Providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2579, Revising state water quality standard for Selenium.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 11. WATER POLLUTION CONTROL ACT.

§22-11-6. Requirement to comply with standards of water quality and effluent limitations.

All persons affected by rules establishing water quality standards and effluent limitations shall promptly comply therewith: Provided, That:

(1) Where necessary and proper, the secretary may specify a reasonable time for persons not complying with such standards and limitations to comply therewith, and upon the expiration of any such period of time, the secretary shall revoke or modify any permit previously issued which authorized the discharge of treated or untreated sewage, industrial wastes or other wastes into the waters of this state which result in reduction of the quality of such waters below the standards and limitations established therefor by rules of the board or secretary;

(2) Notwithstanding any rule or permit condition to the contrary, and except for any standard imposed under section 307 of the federal Water Pollution Control Act for a toxic pollutant injurious to human health, compliance with a permit issued pursuant to this article shall be deemed compliance for purposes of both this article and sections 301, 302, 306, 307 and 403 of the federal Water Pollution Control Act. Nothing in this section, however, prevents the secretary from modifying, reissuing or revoking a permit during its term. The provisions of this section addressing compliance with a permit are intended to apply to all existing and future discharges and permits without the need for permit modifications. However, should any such modification be necessary under the terms of this article, then the secretary shall immediately commence the process to effect such modifications; and

(3) The Legislature finds that there are concerns within West Virginia regarding the applicability of the research underlying the federal selenium criteria to a state such as West Virginia which has high precipitation rates and free-flowing streams and that the alleged environmental impacts that were documented in applicable federal research have not been observed in West Virginia and, further, that considerable research is required to determine if selenium is having an impact on West Virginia streams, to validate

or determine the proper testing methods for selenium and to better understand the chemical reactions related to selenium mobilization in water. For existing NPDES permits, the department may extend the time period for achieving water quality-based effluent limits for selenium discharges into waters supporting aquatic life uses to July 1, 2012, upon compliance with all federally required public notice requirements for such modifications, upon a finding that the permittee cannot comply with its existing compliance schedule and that an extension is not in violation of any state or federal laws, rules or regulations. The West Virginia Department of Environmental Protection is hereby directed to undertake a comprehensive study relating to selenium and prepare a report detailing such findings and submitting the report to the Joint Committee on Government and Finance no later than January 1, 2010. In conducting such study, the West Virginia Department of Environmental Protection shall consult with, among others, West Virginia University and the West Virginia Water Research Institute.

(4) The Legislature finds that EPA has been contemplating a revision to the federally recommended criteria for several years but has yet to issue a revised standard.

(5) Because of the uncertainty regarding the applicability of the current selenium standard, the secretary is hereby directed to develop within six months of the effective date of this subdivision an implementation plan for the current selenium standard that will include, at minimum, the following:

(A) Implementing the criteria as a threshold standard;

(B) A monitoring plan that will include chemical speciation of any selenium discharge;

(C) A fish population survey and monitoring plan that will be implemented at a representative location to assess any possible impacts from selenium discharges if the threshold criteria are exceeded; and

(D) The results of the monitoring will be reported to the department for use in the development of state-specific selenium criteria.

(6) Within twenty-four months of the effective date of this subdivision, the secretary shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine of this code which establish a state-specific selenium standard that protects aquatic life. Concurrent with proposing a legislative rule, the secretary shall also submit the proposed standard and supporting documentation to the Administrator of the Environmental Protection Agency. The secretary shall also consult with and consider research and data from the West Virginia Water Research Institute at West Virginia University, the regulated community, and other appropriate groups in developing the state-specific selenium standard.

The bill (Eng. Com. Sub. for H. B. No. 2579), as amended, was then ordered to third reading.

Eng. House Bill No. 2586, Relating to qualifications for a license to practice embalming.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 6. BOARD OF FUNERAL SERVICE EXAMINERS.

§30-6-8. Embalmer license requirements.

(a) The board shall issue a license to practice embalming to an applicant who: ~~meets the following requirements:~~

- (1) Is of good moral character;
- (2) Is eighteen years of age or over;
- (3) Is a citizen of the United States or is eligible for employment in the United States;
- (4) ~~Holder~~ Has a high school diploma or its equivalent;
- (5) Has completed one of the following education requirements, as evidenced by a transcript submitted to the board for evaluation:
 - (A) ~~Holder~~ (i) Has an associate degree from an accredited college or university; or has
 - ~~(ii) Has successfully completed not less than at least~~ sixty semester hours or ninety quarter hours of academic work in an accredited college or university toward a baccalaureate degree with a declared major field of study; ~~as evidenced by a transcript submitted for evaluation prior to beginning a one-year course of apprenticeship and prior to obtaining a diploma of graduation from a school of mortuary science, has completed a one-year course of apprenticeship under the supervision of a licensed embalmer and funeral director actively and lawfully engaged in the practice of embalming and funeral directing in this state, such apprenticeship to consist of diligent attention to the work in the course of regular and steady employment and not as a side issue to another employment, and under which the apprentice shall have taken an active part in the operation of embalming not less than thirty-five dead human bodies and an active part in conducting not less than thirty-five funeral services; and possesses a diploma of graduation~~
 - (iii) Has graduated from a school of mortuary science, accredited by the American Board of Funeral Service Education, Inc., which requires as a prerequisite to graduation the completion of a course of study of not less than twelve ~~months' duration~~ months; and ~~which said school of mortuary science must be one accredited by~~

~~the American Board of Funeral Service Education, Inc., and duly approved by the board; or~~

~~(B) Holds~~ Has a bachelor degree in mortuary science from an accredited college or university; ~~as evidenced by a transcript submitted for evaluation prior to beginning a one-year course of apprenticeship; and has~~

~~(6) Has~~ completed a one-year course of apprenticeship, under the supervision of a licensed embalmer and funeral director actively and lawfully engaged in the practice of embalming and funeral directing in this state, ~~such which~~ apprenticeship ~~to consist consisted~~ of: diligent

~~(A) Diligent~~ attention to the work in the course of regular and steady employment and not as a side issue to another employment; and ~~under which the~~

~~(B) The~~ apprentice ~~shall have taken~~ taking an active part in: ~~the~~

~~(i) The~~ operation of embalming not less than thirty-five dead human bodies; and ~~an active part in conducting~~

~~(ii) Conducting~~ not less than thirty-five funeral services;

~~(6) (7)~~ Passes, with an average score of not less than seventy-five percent, the following examinations:

~~(A) The National Conference of Funeral Services examination at a testing site provided by the national conference, passes with a score of not less than seventy-five percent which passage is a condition precedent to taking the state law examination;~~

~~(B) The state law examination administered by the board, which examination must be offered at least twice each year; and passes such further~~

~~(C) Any other examination as required by the board; may deem necessary to ascertain qualification and ability to engage in the practice of embalming. Successfully passing the national conference of funeral services examination is a condition precedent to taking the state law examination administered by the board. The board shall offer the state law examination at least twice each year and~~

~~(7)~~ (8) Has paid all the appropriate fees.

(b) A license to practice embalming issued by the board prior to July 1, ~~2002~~ 2012, shall for all purposes be considered a license issued under this section: *Provided*, That a person holding a license issued prior to July 1, ~~2002~~ 2012, must renew the license pursuant to the provisions of this article.

The bill (Eng. H. B. No. 2586), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2603, Relating to the Family Protection Services Board.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Snyder, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the bill was withdrawn.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §48-26-404, §48-26-405, §48-26-601, §48-26-602, §48-26-901, §48-26-902, §48-26-1003, §48-26-1005, §48-26-1006 and

§48-26-1007 of the Code of West Virginia, 1931, as amended, be repealed; that §48-26-202, §48-26-203, §48-26-204, §48-26-205, §48-26-206, §48-26-301, §48-26-401, §48-26-402, §48-26-403, §48-26-406, §48-26-603, §48-26-604, §48-26-701, §48-26-1001, §48-26-1002 and §48-26-1004 of said code be amended and reenacted; and that said code be amended by adding thereto nine new sections, designated §48-26-207, §48-26-208, §48-26-209, §48-26-210, §48-26-211, §48-26-212, §48-26-213, §48-26-214 and §48-26-408, all to read as follows:

ARTICLE 26. DOMESTIC VIOLENCE ACT.

PART II. DEFINITIONS.

§48-26-202. Advocacy defined.

“Advocacy” means assisting victims and survivors of domestic violence, dating violence, sexual assault, stalking or human trafficking, and their children, in securing rights, remedies and services, by directly providing for, or referring to public and private agencies to provide for, safety planning; shelter; housing; legal services; outreach; counseling; case management; information and referral; training; employment; child care; health care; transportation; financial literacy education, financial planning and related economic empowerment services; parenting and other educational services; and other support services.

§48-26-203. Batterer Intervention and Prevention Program defined.

“Batterer intervention and prevention program”, previously referred to as a program of intervention for perpetrators, means a licensed educational program that provides classes to individuals who commit acts of domestic violence or abuse, offering nonviolent strategies and values that promote respect and equality in intimate partner relationships.

§48-26-204. Board defined.

“Board” means the Family Protection Services Board created pursuant to Chapter 53 of the Acts of the Legislature of 1989 and subsequently recodified by this article.

§48-26-205. Closure defined.

“Closure” means the temporary or permanent prohibition of specified services and the corresponding suspension of licensure of a program or program component that violates the standards established by the board or that threatens the health, well being or safety of its program participants or staff.

§48-26-206. Department defined.

“Department” means the Department of Health and Human Resources.

§48-26-207. Domestic Violence Legal Services Fund defined.

“Domestic Violence Legal Services Fund” means the special revenue account established by section six hundred three of this article for the purposes set forth in that section.

§48-26-208. Domestic violence program defined.

“Domestic violence program” means a licensed program of a locally controlled nonprofit organization, established primarily for the purpose of providing advocacy services, comprising both a shelter component and an outreach component, to victims of domestic violence, dating violence, sexual assault, stalking or human trafficking, and their children: Provided, That the board may temporarily or permanently close either the shelter component or the outreach component of a domestic violence program.

§48-26-209. Family Protection Fund defined.

“Family Protection Fund” means the special revenue account established by Chapter 74 of the Acts of the Legislature of 1981, held by the department, for the purpose of collecting marriage license fees pursuant to section ten, article one, chapter fifty-nine of this code, divorce surcharge fees pursuant to section twenty-eight-a, article one, chapter fifty-nine of this code, fees for failure to present a premarital education course completion certificate pursuant to section ten, article one, chapter fifty-nine of this code and any other funding source, including any source created in another section of this code, and distributed to licensed domestic violence programs, in accordance with the formula designated by the board.

§48-26-210. Intimate partner defined.

“Intimate partner” means a current or former spouse, a person with whom one shares a child in common, a person with whom one is cohabiting or has cohabited, or a person with whom one is or has been in a relationship of a romantic or intimate nature.

§48-26-211. Licenses defined.

(a) “Conditional license” means a license issued for up to ninety days, to programs that have violations of safety or accountability standards that may threaten the health, well-being or safety of its program participants or staff, or the responsible operation of the program, or that have a history or pattern of noncompliance with established standards.

(b) “Provisional license” means a license issued for up to one hundred and eighty days, to programs that are not in compliance with nonlife threatening safety, programmatic, facility or administrative standards, that may be extended for an additional six months, if the board determines that the program is making active progress toward compliance.

(c) “Full license” means a license issued for up to the maximum licensure period of three years, to programs that are in compliance with the standards established by the board and have no violations of safety or accountability standards that may threaten the health, well-being or safety of its program participants or staff, or the responsible operation of the program.

§48-26-212. Monitored parenting and exchange defined.

(a) “Monitored parenting” means the contact between a parent without custodial responsibility, guardian or other adult and one or more children, in the presence of a third person who monitors the contact to promote the safety of the participants.

(b) “Monitored exchange” means the observation of movement of a child or children from the custodial responsibility of one parent or guardian to the custodial responsibility of the other parent or other adult without allowing contact between the adults.

(c) “Monitored parenting and exchange program” means a licensed program offered by a locally controlled nonprofit organization for purposes of providing a neutral, safe and child-friendly environment to allow the child or children access to a parent or other adult without allowing contact between the adults.

§48-26-213. Outreach defined.

“Outreach” means a licensed domestic violence program’s community-based activities that increase awareness and availability of services, in every county within the program’s regional service area, to victims and survivors of domestic violence, dating violence, sexual assault, stalking or human trafficking, and their children.

§48-26-214. Shelter defined.

“Shelter” means residential services offered by a licensed domestic violence program on a temporary basis, to persons who

are victims of domestic violence, dating violence, sexual assault, stalking or human trafficking, and their children.

PART III. FAMILY PROTECTION SERVICES BOARD.

§48-26-301. Family Protection Services Board continued; terms.

(a) The Family Protection Services Board, ~~previously created,~~ is continued.

(b) Membership of the board is comprised of ~~five~~ seven persons. The Governor, with the advice and consent of the Senate, shall appoint ~~three~~ five members of the board who meet the following qualifications:

(1) ~~One appointed member must be a commissioner of a shelter director of a licensed domestic violence program;~~

(2) ~~One appointed member must be a member of a major trade association that represents shelters across the state representative of the West Virginia Coalition Against Domestic Violence;~~

(3) ~~One member must be a representative of a batterer intervention and prevention program licensed by the board;~~

(4) ~~One member must be a representative of the West Virginia Supreme Court of Appeals who is familiar with monitored parenting and exchange program services; and~~

(5) ~~The final gubernatorial appointee~~ One member must be a member of the public citizen who is a resident of this state and who is not employed by, under contract with or a volunteer for a program licensed by the board, and who is knowledgeable about services for victims and survivors of domestic violence;

(c) ~~The other two members are the Secretary of the Department of Health and Human Resources, or his or her designee, and~~

the ~~chairperson~~ Chair of the Governor's Committee on Crime, Delinquency and Correction, or his or her designee shall serve as ex officio voting members.

~~(b) (d) The terms of the three~~ five members appointed by the Governor are ~~staggered terms of~~ for three years, staggered in accordance with prior enactments of this act. ~~The initial term of the commissioner of the shelter is a one-year term, the initial term of the representative of the trade association is a two-year term and the initial term of the appointed member of the public is a three-year term.~~

~~(e) In the event that a member of the board ceases to be qualified for appointment, then his or her appointment terminates.~~

(e) No person who is employed by, under contract with or volunteers for an organization that is licensed to operate any program under the provisions of this article may serve on the board at the same time as another person who is employed by, under contract with or volunteers for that organization.

(f) If a member resigns or is unable to complete his or her term or ceases to be qualified, the Governor shall appoint within ninety days a person who meets the qualifications of this section to serve the remainder of the unexpired term.

PART IV. DUTIES OF FAMILY PROTECTION SERVICES BOARD.

§48-26-401. Powers and duties of board.

It is the duty of the board to:

(a) The board shall:

(1) Regulate its procedural practice; Propose rules for legislative approval, in accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement the provisions of this

article and any applicable federal guidelines;

(2) ~~Receive and consider applications for the development of shelters~~ licensure of domestic violence programs, batterer intervention and prevention programs and monitored parenting and exchange programs;

(3) ~~Facilitate the formation and operation of shelters;~~ Assess the need for domestic violence programs, batterer intervention and prevention programs and monitored parenting and exchange programs, including licensure preapplication and application processes;

(4) ~~Promulgate rules to implement the provisions of this article and any applicable federal guidelines;~~ Conduct licensure renewal reviews of domestic violence programs, batterer intervention and prevention programs and monitored parenting and exchange programs, that will ensure the safety, well-being and health of the programs' participants and staff;

(5) ~~Advise the secretary on matters of concern relative to his or her responsibilities under this article~~ For each fiscal year, expend from the Family Protection Fund a sum not to exceed fifteen percent for the costs of administering the provisions of this article, and direct the Department of Health and Human Resources to distribute one half of the remaining funds equally and the other half of the remaining funds in accordance with a formula determined by the board, to licensed domestic violence programs;

(6) ~~Study issues pertinent to family protection shelters, programs for domestic violence victims, and report the results~~ Submit an annual report on the status of programs licensed under the provisions of this article to the Governor and the Legislature Joint Committee on Government and Finance;

(7) Conduct hearings as necessary under this article; and

~~(8) Delegate to the secretary such powers and duties of the board as the board may deem appropriate to delegate, including, but not limited to, the authority to approve, disapprove, revoke or suspend licenses; Collect data about licensed programs for use in the annual report of the board.~~

~~(9) Deliver funds to shelters within forty-five days of the approval of a proposal for such shelters;~~

~~(10) Establish a system of peer review which will ensure the safety, well-being and health of the clients of all shelters operating in the state;~~

~~(11) Evaluate annually each funded shelter to determine its compliance with the goals and objectives set out in its original application for funding or subsequent revisions;~~

~~(12) To award to shelters, for each fiscal year, ninety-five percent of the total funds collected and paid over during the fiscal year to the special revenue account established pursuant to section 2-604 of this chapter and to expend, during said period a sum not in excess of five percent of said funds for cost of administering provisions of this article;~~

~~(13) Establish and enforce system of standards for annual licensure for all shelters and programs in the state;~~

~~(14) Enforce standards; and~~

~~(15) Review its rules biannually.~~

~~(b) The board may:~~

~~(1) Advise the Secretary of the Department of Health and Human Resources and the Chair of the Governor's Committee on Crime, Delinquency and Correction on matters of concern relative to their responsibilities under this article;~~

(2) Delegate to the Secretary of the Department of Health and Human Resources such powers and duties of the board as the board considers appropriate to delegate, including, but not limited to, the authority to approve, disapprove, revoke or suspend licenses;

(3) Advise administrators of state or federal funds of licensure violations and closures of programs; and

(4) Exercise all other powers necessary to implement the provisions of this article.

§48-26-402. Requirements, qualifications and terms of licensure; collaboration to assist programs.

(a) No domestic violence program, batterer intervention and prevention program or monitored parenting and exchange program may represent that it is licensed unless it is licensed by the board pursuant to the provisions of this article and the legislative rules promulgated pursuant to this article.

(a) (b) The board shall establish ~~an~~ preliminary application and full application forms for the initial licensing ~~all shelters and programs of domestic violence programs, batterer intervention and prevention programs and monitored parenting and exchange programs.~~

(1) To meet basic eligibility requirements an applicant for licensure must complete a preliminary application form to demonstrate local need for the proposed service, method of governance and accountability, administrative and programmatic design, and fiscal efficiency. The board shall respond in writing within sixty days of receipt of the preliminary application;

(2) If the board approves the preliminary application, the applicant may complete a full application form;

(3) The board shall determine whether all documentation set forth on the licensure checklist has been submitted, and may request supplemental or clarifying information or documentation; and

(4) The board shall grant or deny a license within sixty days of the receipt of the completed full application form and all supplemental or clarifying information or documentation requested by the board.

~~(b) (c) Licenses may be granted or renewed on an annual basis with all such licenses having a term of one year commencing on the first day of July and terminating on the thirtieth day of June of the next year for periods not to exceed three years. *Provided, That the board may conduct licensure reviews at any time during the licensure period, and may downgrade, suspend or revoke a license in accordance with the provisions of this article.*~~

~~(e) The board shall grant or deny any license within forty-five days of the receipt of the application.~~

~~(d) The license granted by the board shall be conspicuously prominently displayed by the licensees.~~

~~(e) The board may grant a provisional license or grant a waiver of licensure if the board deems such waiver or provisional license necessary for the shelter or program. All such waivers or provisional licenses shall be reviewed semi-annually, for up to one hundred and eighty days, to a program that is not in compliance with non-life threatening safety, programmatic, facility or administrative standards. A provisional license may be extended for up to an additional one hundred and eighty days, if the board, in its sole discretion, determines that the program is making active progress toward compliance.~~

(f) The board may grant a conditional license for up to ninety days to a program that has violations of safety or accountability standards that may threaten the health, well-being or safety of its participants or staff, or the responsible operation of the program,

or that have a history or pattern of noncompliance with established standards. If a program does not correct the violations within the conditional license period, the board may institute closure proceedings.

(g) The Department of Health and Human Resources, the Division of Justice and Community Services, the Family Protection Services Board, the WV Coalition Against Domestic Violence, the West Virginia Supreme Court of Appeals and the Division of Corrections may, collectively or in any combination as appropriate to the program, collaborate to provide technical assistance to prevent and resolve deficiencies in a program's ability to meet the standards to operate and maintain licensure.

(h) If the board obtains information that a person or persons has engaged in, is engaging in or is about to engage in an act that constitutes or will constitute a violation of the provisions of this article or the legislative rules promulgated pursuant to this article, it may issue a notice to the person or persons to cease and desist the act, or apply to the circuit court for an order enjoining the act. Upon a showing that the person has engaged, is engaging or is about to engage in such an act, the court may order an injunction, restraining order or other order as the court considers appropriate.

§48-26-403. Legislative rules.

(a) The board shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to effectuate the provisions of this article.

(b) The rules shall include, at a minimum:

(1) Operating procedures of the board;

(2) Minimum standards, including, but not limited to, governance, administration, safety, referral process, intake, services, financial accountability, staffing, personnel policies, communication,

program participant records, service plans, confidentiality, program evaluation, facility requirements, reports, restrictions, and other requirements in this article, for licensure of:

(A) Domestic violence programs, including requirements for both shelter and outreach components;

(B) Community-based, local government and Division of Corrections batterer intervention and prevention programs; and

(C) Monitored parenting and exchange programs; and

(3) A licensure checklist to determine the ability of applicants and licensees to meet licensure standards, to determine eligibility for a full license, provisional license, conditional license or no license.

(c) The rules in effect as of the effective date of the reenactment of this section will remain in effect until modified, amended or repealed provided that they are not inconsistent with this article.

§48-26-406. Closure of programs.

~~(a) The board may close any shelter which program that violates the standards established under this article and which or that threatens the health, well-being and or safety of its clients participants or staff: *Provided*, That if a shelter is closed, the governing body of the program, in conjunction with the board, shall establish a plan to place such clients the participants in other shelters or alternative housing. and to develop a method to continue serving the areas served by the shelter to be closed.~~

~~(b) The board may place a shelter, which violates standards established under this article and which threatens the health, well being and safety of its clients, under receivership and operate said shelter. The board shall have access and may use all assets of the shelter.~~

~~(e)~~ (b) In order to close ~~or place a shelter in receivership~~ domestic violence program or one of its components, a batterer intervention and prevention program or a monitored parenting and exchange program, the board shall hold a public hearing within the confines of municipality or county in which the shelter is located. The board, by September 1, 1989, shall establish rules and regulations to govern the conduct of such hearings: *Provided*, That four members of the board must vote unanimously in the affirmative. ~~before a shelter is closed or placed in receivership.~~

~~(d)~~ (c) If a either the shelter disagrees with the findings of the board, the shelter may appeal such ruling to the circuit court of Kanawha County or the circuit court of the county where the shelter is located pursuant to the provisions of section four, article five, chapter twenty-nine-a of this code component or the outreach component of a domestic violence program is closed, the remaining component of the program may continue to be licensed and to receive funds.

§48-26-408. Hearing procedures; judicial review.

(a) When a license for a program is downgraded or discontinued through permanent or temporary closure, the program's governing body is entitled to a hearing before the board.

(b) Hearings shall be held in accordance with the provisions of article five, chapter twenty-nine-a of this code.

(c) The board may conduct the hearing or elect to have a hearing examiner or an administrative law judge conduct the hearing. If the hearing is conducted by a hearing examiner or an administrative law judge:

(1) The hearing examiner or administrative law judge shall be licensed to practice law in this state and shall conform to the Code of Conduct for Administrative Law Judges as set forth by the Ethics Commission in legislative rule;

(2) At the conclusion of a hearing, the hearing examiner or administrative law judge shall prepare a proposed written order containing recommended findings of fact and conclusions of law and may include recommended sanctions, including closure, if the board so directs;

(3) The board may accept, reject, modify or amend the recommendations of the hearing examiner or administrative law judge; and

(4) If the board rejects, modifies or amends the recommendations, the board shall state in the order a reasoned, articulate justification based on the record for the rejection, modification or amendment.

(d) Pursuant to the provisions of section one, article five, chapter twenty-nine-a of this code, informal disposition may also be made by the board by stipulation, agreed settlement, consent order or default. Further, the board may suspend its decision and place a license on conditional or provisional status.

(e) A licensee adversely affected by a decision of the board entered after a hearing may seek an appeal to the Circuit Court, in accordance with the provisions of section four, article five, chapter twenty-nine-a of this code, and may appeal a decision of the Circuit Court to the West Virginia Supreme Court of Appeals, in accordance with the provisions of article six, chapter twenty-nine-a of this code.

PART VI. FUNDING.

§48-26-603. Domestic Violence Legal Services Fund.

(a) There is ~~hereby established~~ continued in the State Treasury a special revenue account, designated as the “Domestic Violence Legal Services Fund,” ~~which~~ that shall be an appropriated fund for receipt of grants, gifts, fees, or federal or state funds designated for legal services for domestic violence victims. Expenditures

from the fund shall be limited to attorneys employed or contracted by licensed domestic violence ~~shelters~~ programs, or employed or contracted by ~~nonprofit agencies which~~ West Virginia's federally designated legal services program, its successor organization or other nonprofit organization as determined by the department, that establish a collaborative relationship with a licensed domestic violence ~~shelter that program, to provide~~ civil legal services to victims of domestic violence.

(b) Any court of this state may order a nonprevailing party to pay an amount equivalent to the reasonable attorney's fee to which the prevailing litigant would be entitled into the Domestic Violence Legal Services Fund, established in subsection (a) of this section, if the following circumstances occur:

(1) A prevailing litigant is entitled by statute or common law to a reasonable attorney's fee, and

(2) The prevailing litigant's legal counsel informs the court that no fee will be requested.

§48-26-604. Annual reports of licensed programs.

(a) All programs licensed pursuant to this article shall report specific information annually as required by the board.

(b) No information contained in a report may identify any person served by the program or enable any person to determine the identity of any such person.

PART VII. CONFIDENTIALITY.

§48-26-701. Confidentiality.

(a) No program ~~or shelter receiving funds~~ licensed pursuant to this article ~~shall~~ may disclose, reveal or release or be compelled to disclose, reveal or release, any written records or personal or

personally identifying information about a program participant created or maintained in providing services, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected, pursuant to this article except:

(1) Upon written consent, or upon oral consent in emergency situations defined by legislative rule, of the person seeking or who has sought services from the program; ~~or the shelter~~

(2) In any proceeding brought under sections four and five, article six, chapter nine of this code or article six, chapter forty-nine of this code;

(3) As mandated by article six-a, chapter forty-nine and article six, chapter nine of this code;

(4) Pursuant to an order of any court based upon a finding that said information is sufficiently relevant to a proceeding before the court to outweigh the importance of maintaining the confidentiality established by this section;

(5) To protect against a clear and substantial danger of imminent injury by a client person receiving services to himself or herself or another; or

(6) ~~For treatment or internal review purposes to the staff of any program or shelter if the client is also being cared for by other health professionals in the program or shelter. As authorized by the releases signed by batterer intervention and prevention program participants pursuant to the provisions of subsection (b) of this section.~~

(b) Batterer intervention and prevention program participants shall authorize the release of information by signing the following releases:

(1) Allowing the provider to inform the victim or alleged victim and the victim's advocates that the batterer is participating in a batterer intervention and prevention program with the provider and to provide information to the victim or alleged victim and her or his advocates, if necessary, for the victim's or alleged victim's safety;

(2) Allowing prior and current service providers to provide information about the batterer to the provider;

(3) Allowing the provider, for good cause, to provide information about the batterer to relevant legal entities, including courts, parole officers, probation officers, child protective services, adult protective services, law enforcement, licensed domestic violence programs, or other referral agencies;

(4) Allowing the provider to report to the court, if the participation was court ordered, and to the victim or alleged victim, if she or he requests and provides a method of notification, and to his or her advocate, any assault, failure to comply with program requirements, failure to attend the program, threat of harm by the batterer, reason for termination and recommendations for changes in the court order; and

(5) Allowing the provider to report to the victim or alleged victim, or his or her advocate, without the participant's authorization, all perceived threats of harm, the participant's failure to attend and reason for termination.

(c) Monitored parenting and exchange programs may disclose to one parent or guardian, without the permission of the other parent or guardian, any perceived threat of harm or violation of the court order or violation of the monitored parenting and exchange program rules by the other parent or guardian.

(d) No monitored parenting and exchange program may release information about the child without consent of the parent with custodial responsibility or guardian.

(e) In addition to the provisions set forth in this section, the release of a victim's personally identifying information is subject to the provisions of 42 U. S. C. §13925(b)(2).

~~(b) (f)~~ No consent or authorization for the transmission or disclosure of confidential information ~~shall be~~ is effective unless it is ~~in writing and~~ signed by the client program participant whose information is being disclosed. Every person signing an authorization shall be given a copy.

(g) A victim of domestic violence, dating violence, sexual assault, or stalking shall not be required to provide consent to release his or her personally identifying information as a condition of eligibility for the services, nor may any personally-identifying information be shared in order to comply with federal or state reporting, evaluation, or data collection requirements: *Provided*, That nothing in this section prohibits a program from reporting suspected abuse or neglect, as defined by law, when the program is mandated by law to report suspected abuse or neglect.

PART X. MONITORED PARENTING AND EXCHANGE PROGRAMS.

§48-26-1001. Court orders; use of monitored parenting and exchange programs without court order.

(a) Judges and magistrates may order persons to apply to a licensed monitored parenting and exchange program for monitored parenting or monitored exchange of children: *Provided*, That a licensed monitored parenting and exchange program may not be required to perform duties that are beyond the program's capacity or scope of services.

(b) Judges and magistrates may require a person to pay a reasonable amount based on ability to pay and other relevant criteria for any fee charged by a monitored parenting and exchange program.

(c) Licensed monitored parenting and exchange programs may receive referrals from judges, magistrates, child protective services, attorneys and other agencies, for services under the terms and conditions of those services as set forth in rules promulgated by the board.

(d) Licensed monitored parenting and exchange programs may serve self-referrals when the adult parties agree to the use of the program.

§48-26-1002. Exclusions.

The provisions of this part do not apply to therapeutic or supervised visitation or exchanges or any activity conducted by the state or others in abuse and neglect proceedings pursuant to articles six and six-a, chapter forty-nine of this code in which assessment, evaluation, formulation of a treatment plan, case management, counseling, therapy or similar activities occur.

§48-26-1004. Contract by persons using program.

Every center program shall require that the parents parent, guardian or other caretakers adult sign a written contract prior to using the center program and that the use of the services provided by the center program can be terminated by the center program for violation of the contract.

The bill (Eng. Com. Sub. for H. B. No. 2603), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2608, Requiring appraisal management companies to be registered.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Banking and Insurance, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 38. THE REAL ESTATE APPRAISER LICENSING AND CERTIFICATION ACT.

§30-38-6. Board created; appointments, qualifications, terms, oath, removal of members; quorum; meetings; disqualification from participation; compensation; records; employing staff.

(a) The West Virginia real estate appraiser licensing and certification board, which consists of nine members appointed by the governor with the advice and consent of the Senate, is continued.

(1) Each member shall be a resident of the state of West Virginia, except the appraisal management company representative is not required to be a resident of West Virginia.

(2) Four members shall be certified real estate appraisers having at least five years' experience in appraisal as a principal line of work immediately preceding their appointment, and shall remain certified real estate appraisers throughout their terms.

(3) Two members shall have at least five years' experience in real estate lending as employees of financial institutions.

(4) ~~Three~~ Two members may not be engaged in the practice of real estate appraisal, real estate brokerage or sales or have any financial interest in these practices.

(5) One member shall be a representative from an appraisal management company registered under the provisions of article thirty-eight-a of this chapter.

(6) No member of the board may concurrently be a member of the West Virginia real estate commission.

(7) Not more than two appraiser members may be appointed from each congressional district.

(b) Members will be appointed for three-year terms, which are staggered in accordance with the initial appointments under prior enactment of this act.

(1) No member may serve for more than three consecutive terms.

(2) Before entering upon the performance of his or her duties, each member shall subscribe to the oath required by section five, article four of the constitution of this state.

(3) The governor shall, within sixty days following the occurrence of a vacancy on the board, fill the vacancy by appointing a person who meets the requirements of this section for the unexpired term.

(4) Any member may be removed by the governor in case of incompetency, neglect of duty, gross immorality or malfeasance in office.

(c) The board shall elect a chairman.

(d) A majority of the members of the board constitutes a quorum.

~~(d)~~ (e) The board shall meet at least once in each calendar quarter on a date fixed by the board.

(1) The board may, upon its own motion, or shall upon the written request of three members of the board, call additional meetings of the board upon at least twenty-four hours' notice.

(2) No member ~~shall~~ may participate in a proceeding before the board to which a corporation, partnership or unincorporated

association is a party, and of which he or she is or was at any time in the preceding twelve months a director, officer, owner, partner, employee, member or stockholder.

(3) A member may disqualify himself or herself from participation in a proceeding for any other cause the member considers sufficient.

(e) (f) The appointed members will receive compensation and expense reimbursement in accordance with the provisions of section eleven, article one of this chapter.

(f) (g) The board may employ staff as necessary to perform the functions of the board, to be paid out of the board fund created by the provisions of this article. Persons employed by any real estate agent, broker, appraiser or lender, or by any partnership, corporation, association or group engaged in any real estate business, may not be employed by the board.

§30-38-7. General powers and duties.

The board shall:

(a) Define by rule the type of educational experience, appraisal experience and equivalent experience that will meet the statutory requirements of this article;

(b) Establish examination specifications as prescribed herein and provide for appropriate examinations;

(c) Establish registration requirements and procedures for appraisal management companies under the provisions of article thirty-eight-a of this chapter;

(e) (d) Approve or disapprove applications for certification and licensure;

(e) Approve or disapprove applications for registration under the provisions of article thirty-eight-a of this chapter;

(~~d~~) (f) Define by rule continuing education requirements for the renewal of certifications and licenses;

(~~e~~) (g) Censure, suspend or revoke licenses and certification as provided in this article;

(h) Suspend or revoke registrations under the provisions of article thirty-eight-a of this chapter;

(~~f~~) (i) Hold meetings, hearings and examinations;

(~~g~~) (j) Establish procedures for submitting, approving and disapproving applications;

(~~h~~) (k) Maintain an accurate registry of the names, ~~and~~ addresses and contact information of all persons certified or issued a license to practice under this article;

(l) Maintain an accurate registry of the names, addresses and contact information of all persons and firms registered under the provisions of article thirty-eight-a of this chapter;

(~~i~~) (m) Maintain accurate records on applicants and licensed or certified real estate appraisers;

(n) Maintain accurate records on applicants under the provisions of article thirty-eight-a of this chapter;

(~~j~~) (o) Issue to each licensed or certified real estate appraiser a pocket card with the appraiser's name and license or certification number. Pocket cards are the property of the State of West Virginia and, upon suspension or revocation of the license to practice pursuant to this article, will be returned immediately to the board;

(p) Issue registration numbers to registrants under the provisions of article thirty-eight-a of this chapter;

~~(k)~~ (q) Deposit all fees collected by the board to the credit of the West Virginia appraiser licensing and certification board fund established in the office of the State Treasurer. The board shall disburse moneys from the account to pay the cost of board operation. Disbursements from the account may not exceed the moneys credited to it;

(h) (r) Keep records and make reports as required by article one of this chapter; and

~~(m)~~ (s) Perform any other functions and duties necessary to carry out the provisions of this article and article thirty-eight-a of this chapter.

§30-38-9. Rulemaking.

(a) The board may propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, to provide for:

(1) Licensure and certification requirements, including requirements for applications, examinations, reciprocity, temporary permits, apprentice permits and reinstatement;

(2) Registration requirements, including delinquent and expired registrations, for appraisal management companies under the provisions of article thirty-eight-a of this chapter;

~~(2)~~ (3) Fees for licenses, renewals of licenses and other services provided by the board;

(4) A fee schedule for registrations of appraisal management companies under the provisions of article thirty-eight-a of this chapter;

(5) Surety bond requirements for registrations of appraisal management companies under the provisions of article thirty-eight-a of this chapter;

(6) Requirements and procedures for appraisal management companies to maintain records under the provisions of article thirty-eight-a of this chapter;

~~(3)~~ (7) Experience, education and continuing education requirements and approval of courses; and

~~(4)~~ (8) Any other purpose to carry out the requirements of this article and article thirty-eight-a of this chapter.

(b) The rule governing appraiser qualifications must include requirements which meet or exceed the education, experience and examination requirements issued or endorsed by the appraisal qualifications board of the appraisal foundation.

(c) Any rules in effect ~~as of the passage of this article~~ on the effective date of the reenactment of this section during the regular session of the Legislature in 2013 will remain in effect until amended, modified, repealed or replaced, except that references to provisions of former enactments of this act are interpreted to mean provisions of this article.

ARTICLE 38A. APPRAISAL MANAGEMENT COMPANIES REGISTRATION ACT.

§30-38A-1. Unlawful acts.

(a) Commencing July 1, 2014, it is unlawful for any person or firm to perform or offer to perform appraisal management services, or act as an appraisal management company within this state without a registration issued by the West Virginia Real Estate Appraiser Licensing and Certification Board under the provisions of this article.

(b) Commencing July 1, 2014, it is unlawful for any person or firm not registered under the provisions of this article to advertise or use a title or description conveying the impression that the person

or firm is registered to perform appraisal management services or registered to act as an appraisal management company within this state.

§30-38A-2. Applicable law.

Appraisal management companies and appraisal management services covered under the provisions of this article are subject to the requirements set forth in this article and the rules promulgated hereunder, and the provisions of article one and article thirty-eight of this chapter.

§30-38A-3. Definitions.

As used in this article, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

(a) “Applicant” means a person or firm making an application for registration under the provisions of this article.

(b) “Appraisal” means an analysis, opinion or conclusion prepared by a real estate appraiser relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate or identified real property. An appraisal may be classified by the nature of the assignment as a valuation appraisal, an analysis assignment or a review assignment.

(c) “Appraisal Management Company” means a person or firm that performs or provides appraisal management services, directly or indirectly, through the use of software products or online, or by any means of communication.

(d) “Appraisal management services” means the business of managing the process of having an appraisal performed for compensation or pecuniary gain, including but not limited to any of the following actions:

(1) Conducting business directly or indirectly by telephone, electronically, mail or in person;

(2) Providing related administrative and clerical duties;

(3) Recruiting, selecting or retaining appraisers;

(4) Verifying qualifications of appraisers;

(5) Establishing and administering an appraiser panel;

(6) Receiving appraisal orders from clients;

(7) Contracting and negotiating fees with appraisers to perform appraisal services;

(8) Receiving appraisals from the appraiser and submitting completed appraisals to clients;

(9) Tracking and determining the status of orders for appraisals;

(10) Reviewing, verifying and conducting quality control of a completed appraisal;

(11) Collecting fees from the clients; and

(12) Compensating appraisers for appraisal services rendered.

(e) “Appraisal review” means the act of developing and communicating an opinion about the quality of another appraiser’s work that was performed as part of an appraiser assignment. The review does not include:

(1) An examination of an appraisal for grammatical, typographical or other similar errors that do not make a substantive valuation change; or

(2) A general examination for compliance including regulatory and/or client requirements as specified in the agreement process that do not communicate an opinion as to the valuation conclusion.

(f) “Appraisal services” means the practice of developing an opinion of the value of real estate in conformity with the minimum USPAP standards.

(g) “Appraiser” means a person licensed or certified, under the provisions of article thirty-eight of this chapter, to perform an appraisal.

(h) “Appraiser panel” means a group of appraisers that perform appraisals for an appraisal management company as independent contractors.

(i) “Automated valuation model (AVM)” means a mathematically based computer software program that produces an estimate of market value based on market analysis of location, market conditions, and real estate characteristics from information that was previously and separately collected.

(j) “Board” means the West Virginia Real Estate Appraiser Licensing and Certification Board established under the provisions of article thirty-eight of this chapter.

(k) “Client” means a person or firm that contracts or enters into an agreement with an appraisal management company for the performance of an appraisal.

(l) “Controlling person” means a person authorized by an appraisal management company to contract or enter into agreements with clients and independent appraisers for the performance of appraisal services and who has the power to manage the appraisal management company.

(m) “Firm” means a corporation, limited liability company, partnership, sole proprietorship or any other business entity.

(n) “Registrant” means a person or firm holding a registration issued by the board under the provisions of this article.

(o) “Registration” means a registration issued by the board under the provisions of this article.

(p) “State” means the State of West Virginia.

(q) “USPAP” means the Uniform Standards of Professional Appraisal Practice.

§30-38A-4. Registration requirements.

(a) A person or firm performing or offering to perform appraisal management services or acting as an appraisal management company within this state shall be registered with the board by July 1, 2014.

(b) A firm applying for a registration may not be owned, directly or indirectly, by any employee or consultant who is:

(1) A person who has had a license or certificate to act as an appraiser refused, denied, canceled or revoked in this state or any other jurisdiction, unless the license or certificate was subsequently granted or reinstated; or

(2) A firm that employs a person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked or surrendered in this state or any other jurisdiction, unless the license or certificate was subsequently granted or reinstated.

(c) The board may issue a registration to perform appraisal management services or act as an appraisal management company to a person or firm that:

(1) Makes written application to the board as set out in section six of this article;

(2) Submits certifications as set out in section seven of this article;

(3) Submits national and state criminal background checks as set out in section eight of this article;

(4) Posts a surety bond as set out in section nine of this article;

(5) Pays the applicable fees as set out in section ten of this article;

(6) Has a designated controlling person as set out in section eleven of this article; and

(7) Meets any other requirement set by the board.

(d) The registrations issued under the provisions of this article shall be renewed annually on July 1.

(e) Registrations not renewed in a timely manner are delinquent. To reinstate a delinquent registration, the registrant must pay a monthly penalty, as set by the board.

(f) A registration that has been delinquent for more than three months shall be considered expired and a new application for registration is required.

(g) The board shall issue a registration number to each appraisal management company registered in this state.

(h) The board shall keep a list of appraisal management company registered in this state and publish the list on its website.

§30-38A-5. Exemptions.

This article does not apply to:

(a) A financial institution, including a department or unit within an institution that is regulated by an agency of this state or the United States government; or

(b) An appraisal management company that is a subsidiary wholly owned and controlled by a financial institution regulated by a federal financial institution regulatory agency.

§30-38A-6. Written application requirements.

(a) The written application shall be submitted on a form prescribed by the board and shall include:

(1) The name, the street and mailing address and the contact information, including telephone number and e-mail address, of the person or firm seeking registration;

(2) The name, the street and mailing address and the contact information, including telephone number and e-mail address, of each owner of more than ten percent of the firm seeking registration;

(3) The name, the street and mailing address and the contact information, including telephone number and e-mail address, of the controlling person of the firm seeking registration; and

(4) (A) If the applicant is a domestic firm, the designation of an agent for service of process; or

(B) If the applicant is a foreign firm, documentation that the foreign firm is authorized to do business in West Virginia and that an agent for service of process has been designated and the following has been submitted:

(i) A copy of the filing with the Secretary of State's Office appointing an agent for service of process; and

(ii) A certificate of authority issued by the Secretary of State.

(b) The board shall maintain a list of all applicants for registration that includes the information in the written application.

§30-38A-7. Certification requirements.

(a) The certification for registration shall be in writing, on a form prescribed by the board and signed by the applicant or controlling person. The certification shall include statements that the applicant:

(1) Has a process in place to verify that any person used as an appraiser or added to the appraiser panel of the applicant is a licensed or certified appraiser in good standing in West Virginia;

(2) Has set requirements to verify that appraisers are geographically competent and can perform the appraisals assigned;

(3) Has set procedures for an appraiser, licensed or certified in this state or in any state with a minimum of the same certification level for the property type as the appraiser who performed the appraisal, to review the work of the appraisers performing appraisals for the applicant to verify that the appraisals are being conducted in accordance with the minimum USPAP standards;

(4) Will require appraisals to be conducted independently and free from inappropriate influence and coercion as required by the appraisal independence standards established under Section 129E of the Truth in Lending Act and the rules and regulations issued pursuant to the Act, including the requirement that appraisers be compensated at a customary and reasonable rate when the appraisal management company is providing services for a consumer credit transaction secured by the principal dwelling of a consumer;

(5) Maintains a detailed record of each request for appraisal it receives from a client and the appraiser that performs the appraisal; and

(6) Has submitted any other information required by the board.

(b) The applicant, each owner who is an employee of or consultant for the applicant and any controlling person shall submit a written verification, on a form prescribed by the board, that includes statements that:

(1) The written application and verification for registration contain no false or misleading statements;

(2) The applicant has complied with the requirements of this article;

(3) The applicant, each owner who is an employee of or consultant for the applicant, and the controlling person of the firm seeking registration has not pleaded guilty or nolo contendere to or been convicted of a felony;

(4) Within the past ten years, the applicant, each owner who is an employee of or consultant for the applicant, and the controlling person of the firm seeking registration has not pleaded guilty or nolo contendere to or been convicted of:

(A) A misdemeanor involving mortgage lending or real estate appraisals; or

(B) An offense involving breach of trust or fraudulent or dishonest dealing;

(5) The applicant, each owner who is an employee of or consultant for the applicant, and the controlling person of the firm seeking registration are of good character and reputation and that none of them has had a license or certificate to act as an appraiser refused, denied, canceled, revoked or surrendered in this state or any other jurisdiction, and the license or certification was not subsequently granted or reinstated;

(6) The applicant, each owner who is an employee of or consultant for the applicant, and the controlling person of the firm

seeking registration are not permanently or temporarily enjoined by a court of competent jurisdiction from engaging in or continuing any conduct or practice involving appraisals, appraisal management services or operating an appraisal management company;

(7) The applicant, each owner who is an employee of or consultant for the applicant, and the controlling person of the firm seeking registration are not the subject of an order of the board or any other jurisdiction's agency that regulates appraisal management companies that denied, suspended or revoked the applicant's or firm's privilege to operate as an appraisal management company;

(8) The applicant, each owner who is an employee of or consultant for the applicant, and the controlling person of the firm seeking registration have not acted as an appraisal management company while not being properly registered by the board; and

(9) Set forth any other requirements of the board.

§30-38A-8. Background check requirements.

(a) Upon application, the applicant, each owner who is an employee of or consultant for the applicant, and the controlling person of the firm seeking registration shall submit to a state and national criminal history record check, as set forth in this section.

(1) This requirement is found not to be against public policy.

(2) The criminal history record check shall be based on fingerprints submitted to the West Virginia State Police or its assigned agent for forwarding to the Federal Bureau of Investigation.

(3) The applicant shall meet all requirements necessary to accomplish the state and national criminal history record check, including:

(A) Submitting fingerprints for the purposes set forth in this subsection; and

(B) Authorizing the board, the West Virginia State Police and the Federal Bureau of Investigation to use all records submitted and produced for the purpose of screening the applicant for a license.

(b) The results of the state and national criminal history record check may not be released to or by a private entity except:

(1) To the individual who is the subject of the criminal history record check;

(2) With the written authorization of the individual who is the subject of the criminal history record check; or

(3) Pursuant to a court order.

(c) The criminal history record check and related records are not public records for the purposes of chapter twenty-nine-b of this code.

(d) The applicant shall ensure that the criminal history record check is completed as soon as possible after the date of the original application for registration.

(e) The applicant shall pay the actual costs of the fingerprinting and criminal history record check.

§30-38A-9. Surety bond requirements and claims.

(a) Each applicant shall post and maintain a surety bond with the board. The aggregate liability of the surety bond may not exceed the principal sum of the surety bond.

(b) The surety bond shall:

(1) Be established by the board through rules;

(2) Not exceed \$100,000;

(3) Be in the form prescribed by the board;

(4) Be issued by a surety company authorized to do business in West Virginia; and

(5) Accrue to the state for the benefit of any claimant against the registrant to secure the faithful performance of the registrant's obligations.

(c) The board may bring suit on behalf of the party having a claim against the registrant.

(d) Consumer claims shall be given priority in recovering from the surety bond.

(e) Claimants may make claim under the bond for up to one year after the applicant ceases doing business in West Virginia.

(f) An appropriate deposit of cash or security may be accepted by the board in lieu of the required bond, as determined by the board through legislative rule.

§30-38A-10. Fee requirements.

The fees assessed by the board, as established by legislative rule, shall include the annual fee for appraisal management companies to be included in the national registry maintained by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

§30-38A-11. Controlling person requirements.

(a) An appraisal management company shall have a designated controlling person who will ensure compliance with this article and will be the main contact for all communication between the board and the appraisal management company.

(b) The controlling person shall:

(1) Be of good character and reputation;

(2) Submit to national and state criminal background checks as set out in section eight of this article;

(3) Never have had a license or certificate to act as an appraiser refused, denied, canceled, revoked or surrendered in this state or any other jurisdiction and not subsequently granted or reinstated;

(4) Never have been a part of a firm that was permanently or temporarily enjoined by a court of competent jurisdiction from engaging in or continuing any conduct or practice involving appraisals, appraisal management services or operating an appraisal management company; and

(5) Never have been the subject of an order of the board or any other jurisdiction's appraisal management company regulatory agency that denied or revoked the applicant's or firm's privilege to operate as an appraisal management company.

§30-38A-12. Requirements for removal from an appraiser panel.

(a) Except within sixty days from the date an appraiser is first added to the appraiser panel of an appraisal management company, an appraisal management company may only remove an appraiser from an appraiser panel or refuse to assign appraisals to an appraiser after providing the appraiser twenty days prior written notice stating the reasons for the removal or refusal and providing an opportunity for the appraiser to be heard.

(b) An appraiser who is removed from an appraiser panel or refused appraisal assignments for an alleged act or omission that would constitute grounds for disciplinary action under the provisions of section twelve, article thirty-eight of this chapter, a

violation of the USPAP or a violation of state law or legislative rule may file a complaint with the board for a review of the appraisal management company's decision.

(c) The board's review under this subsection is limited to determining whether:

(1) The appraisal management company has complied with subsection (a) of this section; and

(2) The appraiser has engaged in an act or omission that would constitute grounds for disciplinary action under the provisions of section twelve, article thirty-eight of this code, or has committed a violation of the USPAP or a violation of state law or legislative rule.

(d) The board shall hold a hearing on the complaint within a reasonable time, not exceeding six months after the complaint was filed unless there are extenuating circumstances that are noted in the board's minutes.

(e) If the board determines after the hearing that an appraisal management company acted improperly then the board shall order the appraisal management company to restore the appraiser to the appraiser panel or assign appraisals to the appraiser.

(f) After the board's order, an appraisal management company may not:

(1) Reduce the number of appraisals given to the appraiser; or

(2) Penalize the appraiser in any other manner.

§30-38A-13. Duties of appraisal management companies.

(a) Each appraisal management company shall:

(1) Verify that an appraiser receiving work or being placed on an appraiser panel is:

(A) Professionally and geographically competent;

(B) Competent to perform the appraisal service being assigned to the appraiser;

(C) Licensed or certified under the provisions of article thirty-eight of this chapter; and

(D) In good standing in this state;

(2) Designate a controlling person responsible for ensuring compliance with this article, including filing with the board the following:

(A) The name of the controlling person;

(B) The contact information for the controlling person;

(C) A verified acceptance of responsibility from the controlling person; and

(D) An updated registration form identifying the current controlling person submitted within ten business days, when there is a change of the controlling person;

(3) Maintain complete detailed records of requests for appraisals from clients, including:

(A) The type of appraisal requested;

(B) The name and license or certification number of the appraiser to whom the appraisal was referred;

(C) The fees received from the client; and

(D) The fees paid to the appraiser or any third party for services performed;

(4) Ensure that appraisal services are provided in an independent manner, free from inappropriate influence and coercion, as required by appraisal independence standards established under Section 129E of the Truth in Lending Act and the rules and regulations issued pursuant to the Act, including the requirement that fee appraisers be compensated at a customary and reasonable rate when the appraisal management company is providing services for a consumer credit transaction secured by the principal dwelling of a consumer;

(5) Except in cases of breach of contract or substandard performance, pay an independent appraiser for the completion of an appraisal within forty-five days after the appraiser provides the completed appraisal to the appraisal management company, unless otherwise agreed to by the parties;

(6) Disclose its registration number on all engagement documentation with appraisers;

(7) Disclose to its clients the fees paid:

(A) For appraisal management services; and

(B) To the appraiser for the completion of an appraisal assignment;

(8) Inform the board, when it has a reasonable basis to believe, that an appraiser has:

(A) Failed to comply with USPAP and the failure to comply is likely to significantly affect the opinion of value;

(B) Violated applicable laws or rules; or

(C) Engaged in unethical or unprofessional conduct;

(9) Keep all records, including, but not limited to, appraisals ordered by the appraisal management company, for a minimum of five years after an appraisal is completed or two years after final disposition of a judicial proceeding related to the assignment, whichever period expires later; and

(10) Maintain a registered agent for service of process and provide the board with the same information for the agent that is provided to the Secretary of State.

(b) The board may inspect the records of appraisal management companies at any time without prior notice.

(c) A sole proprietor of an appraisal management company is considered the controlling person.

(d) If information on a disclosure becomes inaccurate for any reason, then a revised or amended disclosure shall be provided within five business days after the change. The revised or amended disclosure shall be clearly marked as revised or amended and contain sufficient information for the client to identify the original disclosure referenced.

(e) The provisions of this section do not exempt a registrant from any other reporting requirements contained in any federal or state law.

§30-38A-14. Unprofessional conduct.

An appraisal management company commits unprofessional conduct if it:

(1) Requires an appraiser to modify an aspect of an appraisal which modification is not related to substandard performance or noncompliance with the terms of a contract or agreement;

(2) Requires an appraiser to prepare an appraisal when the appraiser believes, in his or her own professional judgment and notifies the appraisal management company in a timely manner, that the appraiser does not have the necessary expertise for the specific geographic area or is otherwise not competent to perform the appraisal;

(3) Requires an appraiser to prepare an appraisal under a certain time frame that the appraiser believes, in his or her own professional judgment and notifies the appraisal management company in a timely manner, that the appraiser does not have the necessary time to meet all the necessary and relevant legal and professional obligations;

(4) Prohibits or inhibits communication between an appraiser and any other person from whom the appraiser, in the appraiser's own professional judgment, believes information would be relevant;

(5) Requests an appraiser to do anything that does not comply with:

(A) The USPAP; or

(B) The requests of the client; or

(6) Makes any portion of the appraiser's fee or the appraisal management company's fee contingent on a favorable outcome, including:

(A) A loan closing; or

(B) An appraisal for a specific dollar amount.

§30-38A-15. Prohibited acts.

(a) An appraisal management company or any person acting for an appraisal management company as a controlling person, owner,

director, officer, agent, employee or independent contractor may not:

(1) Improperly influence or attempt to improperly influence the development, reporting, result or review of an appraisal through:

(A) Intimidation, inducement, coercion, extortion, collusion, bribery, compensation, blackmail, threat of exclusion from future appraisal work or any other means that unduly influences or pressures the appraiser;

(B) Withholding payment to an appraiser or compensating the appraiser at less than the customary and reasonable rate for appraisal services unless for breach of contract; or

(C) Expressly or impliedly promise future business, promotions or increased compensation to an appraiser;

(2) Knowingly employ a person to a position of responsibility who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked or surrendered in this state or any other jurisdiction, and not subsequently granted or reinstated;

(3) Knowingly enter into a contract with a person for the performance of appraisal services who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked or surrendered in this state or any other jurisdiction, and not subsequently granted or reinstated;

(4) Knowingly enter into a contract, agreement or other business relationship for the purpose of obtaining real estate appraisal services with a firm that employs or contracts with a person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked or surrendered in this state or any other jurisdiction, and not subsequently granted or reinstated;

(5) Knowingly fail to separate and disclose any fees charged to a client by the appraisal management company for an appraisal by an

appraiser from fees charged to a client by the appraisal management company for appraisal management services;

(6) Prohibit an appraiser from stating, in a submitted appraisal, the fee paid by the appraisal management company to the appraiser for the appraisal;

(7) Request, allow or require an appraiser to collect any portion of the fee, including the appraisal fee, charged by the appraisal management company to the client;

(8) Require an appraiser to provide the registrant with the appraiser's signature or seal in any form;

(9) Alter, amend or change an appraisal submitted by an appraiser;

(10) Remove an appraiser's signature or seal from an appraisal;

(11) Add information to or remove information from an appraisal with the intent to change the conclusion of the appraisal;

(12) Remove an appraiser from an appraiser panel without twenty days prior written notice to the appraiser and an opportunity for the appraiser to be heard;

(13) Enter into an agreement or contract for the performance of appraisal services with an appraiser who is not in good standing with the board;

(14) Request or require an appraiser to provide an estimated, predetermined or desired valuation in an appraisal;

(15) Request or require an appraiser to provide estimated values or comparable sales at any time prior to the appraiser completing an appraisal;

(16) Condition a request for an appraisal or the payment of an appraisal fee on:

(A) An opinion, conclusion or valuation reached; or

(B) A preliminary estimate or opinion requested from an appraiser;

(17) Provide to an appraiser an anticipated, estimated, encouraged or desired value for an appraisal or a proposed or targeted amount to be loaned or borrowed, except that a copy of the sales contract for the purchase transaction may be provided;

(18) Require an appraiser to indemnify or hold harmless an appraisal management company for any liability, damage, losses or claims arising out of the services provided by the appraisal management company;

(19) Have a direct or indirect interest, financial or otherwise, in the property or transaction involving the appraisal;

(20) Provide to an appraiser or a person related to the appraiser stock or other financial or nonfinancial benefits;

(21) Obtain, use or pay for a second or subsequent appraisal or order an automated valuation model, unless:

(A) There is a reasonable basis to believe that the initial appraisal was flawed and the basis is clearly and appropriately noted in the file;

(B) The second or subsequent appraisal, or automated valuation model is done under a bona fide prefunding or post-funding appraisal review or quality control process;

(C) The second appraisal is required by law; or

(D) The second or subsequent appraisal or automated valuation model is ordered by a client; or

(22) Commit an act or practice that impairs or attempts to impair an appraiser's independence, objectivity or impartiality.

(b) This section does not prohibit an appraisal management company from requesting that an appraiser:

(1) Provide additional information about the basis for a valuation;

(2) Correct objective factual errors in an appraisal;

(3) Provide further detail, substantiation or explanation for the appraiser's conclusion; or

(4) Consider additional appropriate property information, including the consideration of additional comparable properties to make or support an appraisal.

§30-38A-16. Disciplinary action.

The board may deny, revoke or refuse to issue or renew the registration of an appraisal management company or may restrict or limit the activities of an appraisal management company or of a person or firm that owns an interest in or participates in the business of an appraisal management company for the following reasons:

(1) A person or firm acted as an appraisal management company or performed appraisal management services without being properly registered with the board;

(2) A person or firm did not perform the duties set out in this article;

(3) A person or firm engaged in unprofessional conduct as set out in this article;

(4) A person or firm engaged in a prohibited act set out in this article;

(5) The application for registration contained false or misleading information;

(6) A person or firm fraudulently or deceptively obtains or attempts to obtain a registration;

(7) A person or firm fraudulently or deceptively used a registration;

(8) A person or firm violated the provisions of this article, this code, or the board's rules;

(9) A person or firm was found guilty of a felony or pleaded guilty or nolo contendere to a felony;

(10) Within the past ten years, a person or firm was found guilty of or pleaded guilty or nolo contendere to a misdemeanor involving:

(A) Mortgage lending;

(B) Appraisals;

(C) Breach of trust; or

(D) Fraudulent or dishonest dealing;

(11) A person or firm is permanently or temporarily enjoined by a court of competent jurisdiction from engaging in or continuing any conduct or practice involving appraisal management services or operating an appraisal management company;

(12) A person or firm is the subject of an order of the board or any other jurisdiction's appraisal management company regulatory

agency that denied, revoked or restricted a person's or firm's privilege to operate as an appraisal management company;

(13) A person or firm failed to pay the applicable fees; or

(14) For any other finding by the board.

§30-38A-17. Notice and hearing procedures.

(a) The board, on its own motion or upon receipt of a written complaint, may investigate an appraisal management company, a person or firm associated with an appraisal management company, and a person or firm performing appraisal management services.

(b) If the board determines after the investigation there are grounds for disciplinary action, the board may hold a hearing after giving thirty days' prior notice.

(c) The board has the same powers set out in article thirty-eight of this chapter.

(d) After notice and a hearing, the board may:

(1) Deny, revoke or refuse to issue or renew the registration of an appraisal management company or restrict or limit the activities of an appraisal management company or of a person or firm that owns an interest in or participates in the business of an appraisal management company;

(2) Impose a fine not to exceed \$25,000 for each violation; or

(3) Take other disciplinary action as established by the board by rule.

(e) The board may seek injunctive relief in the Kanawha County Circuit Court to prevent a person or firm from violating the

provisions of this article or the rules promulgated hereunder. The circuit court may grant a temporary or permanent injunction.

The bill (Eng. Com. Sub. for H. B. No. 2608), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2626, Authorizing the Department of Military Affairs and Public Safety to promulgate Legislative Rules.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on the Judiciary, were reported by the Clerk, considered simultaneously, and adopted:

On page four, section two, line eight, after the word “authorized” by striking out the period and inserting the following: with the following amendment:

On page four, by striking out all of subsection 5.1 and inserting in lieu thereof the following:

New One and Two Family Dwellings over one level in height, New One and Two Family Dwellings containing a basement, and New One and Two Family Dwellings containing a crawl space containing a fuel burning appliance below the first floor, shall provide one of the following methods for fire protection of floors: (1) A 1/2 inch (12.7 mm) gypsum wallboard membrane, 5/8 inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member; (2) Wood floor assemblies using dimension lumber or structural composite lumber equal or greater than 2 inch by 10 inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance; or (3) An Automatic Fire Sprinkler System as set forth in section R313.2 of the 2009 edition of the

International Residential Code for One and Two Family Dwellings: *Provided*, That floor assemblies located directly over a space protected by an automatic sprinkler system as set forth in section R313.2 of the 2009 edition of the International Residential Code for One and Two Family Dwellings are exempt from this requirement.;

And,

On page fourteen, section three, line six, after the word “authorized” by striking out the period and inserting the following: with the following amendment:

On page twenty-five, subsection 10.2., after the words “minimum period of” by striking out “four (4)” and inserting in lieu thereof “three (3)”.

At the request of Senator Barnes, and by unanimous consent, the bill (Eng. Com. Sub. for H. B. No. 2626), as amended, was advanced to third reading with the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill No. 2762, Creating an exemption from licensure as an adjuster for certain individuals who conduct data entry into an automated claims adjudication system.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Banking and Insurance, was reported by the Clerk and adopted:

On page five, section nine, lines fifteen and sixteen, by striking out the words “another country may not be licensed as a nonresident adjuster under this section unless” and inserting in lieu thereof the words “Canada may be licensed as a nonresident adjuster under this section if”.

The bill (Eng. Com. Sub. for H. B. No. 2762), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2806, Relating to administrative remedies for prisoners generally.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 1A. WEST VIRGINIA PRISONER LITIGATION REFORM ACT.

§25-1A-2. Exhaustion of ordinary administrative remedies.

(a) As used in this section, an “ordinary administrative remedy” is a formal administrative process by which an inmate submits a grievance seeking redress or presenting concerns regarding any general or particular aspect of prison life which does not involve violence, sexual assault or sexual abuse against an inmate. An ordinary administrative remedy includes, but is not limited to, complaints concerning food quality, health care, appeals of prison discipline, physical plant, classification, staff treatment or some other alleged wrong.

(b) The Commissioner of the Division of Corrections and the Executive Director of the Regional Jail Authority are authorized to establish procedures for ordinary administrative remedies according to their respective authority for issuance of policies governing the conduct of inmates.

(c) An inmate may not bring a civil action regarding an ordinary administrative remedy until the procedures promulgated by the agency have been exhausted.

(d) An ordinary administrative remedy is considered exhausted when the inmate's grievance complies with duly promulgated rules and regulations regarding inmate grievance procedures, has been accepted, fully appealed and has received a final decision from the Commissioner of Corrections or the Commissioner's designee, or the Executive Director of the Regional Jail Authority, or the Director's designee.

(e) The agency shall issue a final decision regarding an ordinary administrative remedy no later than sixty days from the date the inmate filed his or her initial grievance. Computation of the sixty-day time period shall not include time consumed by inmates in preparing any administrative appeal. The agency may claim an extension of time to issue a final decision regarding an ordinary administrative remedy of up to thirty days if the sixty day final decision time frame is insufficient to make an appropriate decision, except in cases involving a threat to health, life or safety of the prisoner. The agency shall notify the inmate in writing of any such extension and provide a date by which the final decision regarding an ordinary administrative remedy will be made.

§25-1A-2a. Exhaustion of administrative remedies which address sexual assault and sexual abuse.

(a) The agency shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident involving sexual assault or sexual abuse against an inmate. For purposes of this article, "sexual assault" or "sexual abuse" means any offense which would constitute a violation of article eight-b, chapter sixty-one of this code. The agency shall ensure that:

(1) An inmate who alleges an incident involving sexual assault or sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint; and,

(2) Such grievance may not be referred to a staff member who is the subject of the complaint.

(b) The agency shall issue a final agency decision on the merits of any portion of a grievance within sixty days of the initial filing of the grievance. Computation of the sixty-day time period shall not include time consumed by inmates in preparing any administrative appeal. The agency may claim an extension of time to respond, of up to thirty days, if the normal time period for response is insufficient to make an appropriate decision, except in cases involving threat to health, life or safety of the prisoner. The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.

(c) At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.

(d) Third parties, including fellow inmates, staff members, family members, attorneys and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to incidents involving sexual assault or sexual abuse, and shall also be permitted to file such requests on behalf of inmates. If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision.

(e) After receiving an emergency grievance alleging an inmate is subject to a substantial risk of sexual assault or sexual abuse, the agency shall immediately forward the grievance, or any portion thereof that alleges the substantial risk of sexual assault or sexual abuse, to a level of review at which immediate corrective action may be taken, shall provide an initial response within forty-eight hours, and shall issue a final agency decision within five calendar days. The initial response and final agency decision shall document the agency's determination whether the inmate is in substantial risk of sexual assault or sexual abuse and the action taken in response to the emergency grievance.

(f) The agency shall establish procedures for processing an inmate grievance which alleges imminent violence. The commissioner and the executive director shall, by December 31, 2013, propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to meet the requirements of this subsection.

(g) An administrative remedy for an allegation of violence, sexual assault or sexual abuse against an inmate is considered exhausted when the inmate's grievance has complied with duly promulgated rules and regulations regarding inmate grievance procedures for imminent violence, sexual assault or sexual abuse, has been accepted, fully appealed and has received a final decision from the Commissioner of Corrections or the Commissioner's designee, or the Executive Director of the Regional Jail Authority, or the Director's designee.

(h) The agency may discipline an inmate for filing a grievance related to sexual assault or sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith.

(i) Notwithstanding any other provision of this code, no inmate shall be prevented from filing an appeal of his or her conviction or from bringing a civil or criminal action alleging violence, sexual assault or sexual abuse, after exhaustion of administrative remedies.

If such a civil or criminal action is ultimately dismissed by a judge as frivolous, then the inmate shall pay the filing costs associated with the civil or criminal action as provided for in this article.

The bill (Eng. Com. Sub. for H. B. No. 2806), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2819, Relating to the financial oversight of entities regulated by the Insurance Commissioner.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2866, Providing an exception to allow a resident of a dwelling house to discharge a firearm in a lawful manner within five hundred feet.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2913, Specifying procedures for adjusting payments to correct for an erroneous distribution of moneys dedicated, distributed or directed to a state or local governmental subdivision.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §11-10-26, to read as follows:

ARTICLE 10. WEST VIRGINIA TAX PROCEDURE AND ADMINISTRATION ACT.**§11-10-26. Adjustment for correction of erroneous distribution of funds, limitation period, immunity of agencies, subdivisions, and instrumentalities of this state.**

(a)(1) An erroneous distribution, transfer, allocation, overpayment or underpayment dedicated, distributed or directed by the state or an instrumentality of the state to a state or local governmental subdivision or a fund, entity, agency or instrumentality of the state or a political subdivision of the state, under the provisions of this code administered under this article, or under the provisions of article twenty-two, twenty-two-a, twenty-two-b, twenty-two-c or twenty-five, chapter twenty-nine of this code, or any other provision of this code, or any combination thereof, caused by clerical error or mistake, or a computational, informational or other mistake or error, may be corrected by an adjustment to a distribution, transfer, allocation or payment to the subdivision, entity, agency, instrumentality or fund and by transfer of moneys from the subdivision, entity, agency, instrumentality or fund until the amount of the erroneous distribution, transfer, allocation, overpayment or underpayment has been corrected: *Provided*, That no correction or adjustment may be made for an erroneous distribution, transfer, allocation, overpayment or underpayment of moneys that is first discovered by the distributor or the distributee more than three years after the date on which the erroneous distribution, transfer, allocation, overpayment or underpayment of moneys was made, and no action lies for collection, correction or remediation of the late discovered erroneous distribution, transfer, allocation, overpayment or underpayment of the moneys.

(2) A distribution, transfer, allocation, overpayment or underpayment of moneys is deemed to have been made on the date when the moneys related thereto are under the actual, substantive control of the transferee, and subject to expenditure, disbursement, consumption or disposition by the transferee.

(3) An erroneous distribution, transfer, allocation, overpayment or underpayment of moneys is deemed to have been discovered on the date when the distributor or the distributee or any employee, officer, agent or representative of the distributor or distributee has actual substantive knowledge of the erroneous distribution, transfer, allocation, overpayment or underpayment of moneys.

(b) An agency, governmental subdivision or instrumentality of this state is not subject to a fine, penalty, assessment or imposition as a result of, or attributable to, an erroneous distribution, transfer, allocation, overpayment or underpayment of moneys.

(c) The provisions of subsection (a) of this section shall not be applied to alter, abrogate or terminate any current and ongoing agreement or arrangement which was in operation on the effective date of this section, to correct or adjust an erroneous distribution, transfer, allocation, overpayment or underpayment, between (1) this state or an instrumentality of this state and (2) a state or local governmental subdivision or a fund, entity, agency or instrumentality of the state or a political subdivision of this state.

The bill (Eng. Com. Sub. for H. B. No. 2913), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2960, Providing for internal and external review of adverse health coverage determinations.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Banking and Insurance, was reported by the Clerk:

By striking out everything after the title and inserting in lieu thereof the following:

Be it enacted by the Legislature of West Virginia:

That §33-25C-5, §33-25C-6, §33-25C-7, §33-25C-9 and §33-25C-11 of the Code of West Virginia, 1931, as amended, be repealed; and that said code be amended by adding thereto a new article, designated §33-16H-1, §33-16H-2, §33-16H-3 and §33-16H-4, all to read as follows:

ARTICLE 16H. REVIEW OF ADVERSE DETERMINATIONS.

§33-16H-1. Definitions.

As used in this article:

(1) “Adverse determination” means a determination by a health carrier or its designee utilization review organization that an admission, availability of care, continued stay or other healthcare service that is a covered benefit has been reviewed and, based upon the information provided, does not meet the health carrier’s requirements for medical necessity, appropriateness, health care setting, level of care or effectiveness, and the requested service or payment for the service is therefore denied, reduced or terminated.

(2) “External review” means a review of a final adverse determination by an independent review organization.

(3) “Final adverse determination” means an adverse determination that has been upheld by the issuer at the completion of the internal grievance procedures or an adverse determination with respect to which the internal grievance procedures have been deemed exhausted.

(4) “Health benefit plan” means a policy, contract, certificate or agreement entered into, offered or issued by an issuer to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including short-term and catastrophic health insurance policies and policies that pay on a cost-incurred basis, but excludes the excepted benefits defined in 42 U. S. C. §300gg-

91 and policies, contracts, certificates or agreements excluded by rules promulgated pursuant to section four of this article.

(5) “Health plan issuer” or “issuer” means an entity required to be licensed under this chapter that contracts, or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services under a health benefit plan, including an accident and sickness insurance company, a health maintenance corporation, a health care corporation, a health or hospital service corporation, and a fraternal benefit society.

(6) “Independent review organization” means an entity approved by the commissioner to conduct external reviews of final adverse determinations.

(7) “Utilization review” means a system for the evaluation of the necessity, appropriateness and efficiency of the use of health care services, procedure and facilities.

§33-16H-2. Issuer requirements.

An issuer shall, in accordance with rules promulgated pursuant to section four of this article, develop processes for utilization review and internal grievance procedures and shall make external review available with respect to all adverse determinations.

§33-16H-3. Judicial review; enforcement.

(a) An individual or issuer may seek judicial review of a final adverse determination by filing a petition in the circuit court within sixty days after receipt of notice of such decision.

(1) Venue for a petition filed pursuant to this section is the county in which the individual resides or, if the individual is a non-resident, the county in which he or she works or, if he or she does not work in this state, the county in which his or her employer is located, or if none of these counties are applicable, in Kanawha County.

(2) The issuer shall provide benefits pursuant to the final external review decision, including by making payment on a disputed claim, unless or until there is a judicial decision otherwise.

(3) If the issuer files a petition pursuant to this section and the individual substantially prevails, the issuer shall be responsible for the reasonable attorney's fees of the individual.

(b) A decision issued by an independent review organization pursuant to this article may be enforced in the same manner as an order of the commissioner.

(c) This article does not create any new cause of action or eliminate any presently existing cause of action.

§33-16H-4. Rule-making authority; applicability.

(a) The commissioner shall propose legislative rules for approval by the Legislature in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this article, including but not limited to rules to:

(1) Define the scope of the applicability of this article;

(2) Establish requirements for all issuers with regard to utilization review and for internal grievance procedures and external review of adverse determinations, which rules shall be based on the corresponding model acts adopted by the National Association of Insurance Commissioners and, with respect to external review, shall meet or exceed the minimum consumer protections established by the federal Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152); and

(3) Provide for judicial review pursuant to subsection (a), section three of this article, which rules shall be based on the provisions of this code and rules governing judicial review of contested cases under the State Administrative Procedures Act.

(b) Notwithstanding the provisions of section one, article twenty-three of this chapter; section four, article twenty-four of this chapter; section six, article twenty-five of this chapter; and section twenty-four, article twenty-five-a of this chapter, this article and the rules promulgated under this article are applicable to all health benefits plans and supersede any provisions to the contrary in this chapter or in any rules promulgated under this chapter.

On motion of Senator Tucker, the following amendment to the Banking and Insurance committee amendment to the bill (Eng. Com. Sub. for H. B. No. 2960) was next reported by the Clerk and adopted:

On page three, section three, subsection (a), by striking out the words “adverse determination” and inserting in lieu thereof the words “decision rendered by an independent review organization”.

The question now being on the adoption of the Banking and Insurance committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. No. 2960), as amended, was then ordered to third reading.

Eng. House Bill No. 2968, Authorizing the use of an additional medium for use in archiving the records.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 3135, Relating generally to voting system certification and procedures at the central counting center.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.

§3-4A-2. Definitions.

As used in this article, unless otherwise specified:

(1) “Automatic tabulating equipment” means all apparatus necessary to electronically count votes recorded on ballots, and tabulate the results and produce necessary reports;

(2) “Ballot” means ~~an electronic image or paper on which votes may be recorded by means of perforating or marking with electronically sensible ink or pencil or a screen upon which votes may be recorded by means of a stylus or by means of touch~~ a logical or physical device that presents races, candidates and contests, and facilitates the capture of the voter’s choices or intent;

(3) “Central counting center” means a facility equipped with suitable and necessary automatic tabulating equipment, selected by the county commission, for the electronic counting of votes recorded on ballots;

(4) “Electronic poll book” means an electronic device containing ~~the same voter registration information maintained by the county clerk in a printed poll book~~ for the purpose of facilitating voting at the precinct;

(5) “Electronic voting system” is ~~a means of conducting an election whereby votes are recorded on ballots by means of an electronically sensible marking ink, by perforating or are recorded on equipment that registers votes on a computer disk, or by~~

~~touching a screen with a stylus or by means of touch, and votes are subsequently counted by automatic tabulating equipment at the central counting center~~ one or more integrated devices that utilize an electronic component for the following functions: Ballot presentation, vote capture, vote recording and tabulation;

(6) “Standard validation test deck” means a group of ballots wherein all voting possibilities which can occur in an election are represented; and

(7) “Vote-recording device” means ~~equipment in which ballots are placed to allow a voter to record his or her vote by electronically sensible ink, or pencil, or a screen upon which votes may be recorded by means of a stylus or by means of touch~~ that captures and records voter intent by marking a screen to record selections or by using electronically sensible ink to mark selections; and

(8) “Voter verified paper audit trail” means a physical printout on which the voter’s ballot choices, as registered by a direct recording device, are recorded. This shall be visible to the voter and shall be securely locked to avoid tampering.

§3-4A-8. Approval of electronic voting system by State Election Commission; expenses; compensation of persons examining system.

(a) Any person or corporation owning or interested in any electronic voting system may apply to the State Election Commission so that the system may be examined and a report be made on its accuracy, efficiency, capacity and safety. Upon the written application of any vendor tendered to the Secretary of State or to any clerks in his or her office in charge of receiving filings for any purpose, the Secretary of State shall fix a date, time and place, not more than thirty days after the receipt of the application, for a meeting of the State Election Commission for mutual consideration of the application. The Secretary of State shall mail notice of the hearing by certified mail to each member of the commission.

(b) The State Election Commission shall appoint two qualified computer experts who are not members of the same political party to examine the system and make full reports on the system to the commission within ~~thirty~~ ninety days from the date the State Election Commission approves the consideration of the application. They shall state in the report whether the examined system complies with the requirements of this article and the federal agency responsible for certifying voting systems and can be safely used by voters at elections under the conditions prescribed in this article. If the report is in the affirmative on that question, the commission may approve the system and adopt a system of its make and design for use at elections as provided in this article: *Provided*, That under no circumstances may a system be approved that is not capable of accurately tabulating returns based upon all possible combinations of voting patterns ~~including, but not limited to, crossover voting and in accordance with section five, article six of this chapter.~~ The vendor of the approved system shall provide the State Election Commission with a report, due on January 1, of each even-numbered year, that outlines any problem that has been experienced with the equipment by any jurisdiction in the state or in any jurisdiction outside the state that uses the same or a similar version of the equipment that has been certified for use in this state.

(c) No electronic voting system may be used at any election unless it has been approved under this section or its former provisions and by the appropriate agency of the federal government whose purpose is to review and issue a certificate of approval. Each of the two qualified computer experts appointed by the commission are entitled to reasonable compensation and expenses in making the examination and report, to be paid in advance of the examination required by subsection (b) of this section by the person or corporation applying for the examination. This sum shall be the sole compensation to be received by any expert for any work performed pursuant to this section. The State Election Commission shall determine the compensation at the time of approving the application for certification.

§3-4A-23. Persons prohibited about voting booths; penalties.

Excepting election officials acting under authority of sections nineteen, twenty ~~twenty-one~~ and twenty-two of this article in the conduct of the election, and qualified persons assisting voters pursuant to section twenty-two of this article, no person other than the voter may be in, about or within five feet of the voting booth during the time the voter is voting at any election. While the voter is voting, no person may communicate with the voter in any manner and the voter may not communicate with any other person or persons. No person may enter a voting booth with any recording or electronic device in order to record or interfere with the voting process. Any conduct or action of an election official about or around the voting booth while the voter is in the process of voting, except as expressly provided in this article, is a violation of this section. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or ~~be sentenced to imprisonment confined in the county jail for a period~~ not more than twelve months, or ~~in the discretion of the court, shall be subject to both such fine and imprisonment~~ both fined and confined.

§3-4A-27. Proceedings at the central counting center.

(a) All proceedings at the central counting center are to be under the supervision of the clerk of the county commission and are to be conducted under circumstances which allow observation from a designated area by all persons entitled to be present. The proceedings shall take place in a room of sufficient size and satisfactory arrangement to permit observation. Those persons entitled to be present include all candidates whose names appear on the ballots being counted or if a candidate is absent, a representative of the candidate who presents a written authorization signed by the candidate for the purpose and two representatives of each political party on the ballot who are chosen by the county executive committee chairperson. A reasonable number of the general public is also freely admitted to the room. In the event all members of the

general public desiring admission to the room cannot be admitted at one time, the county commission shall provide for a periodic and convenient rotation of admission to the room for observation, to the end that each member of the general public desiring admission, during the proceedings at the central counting center, is to be granted admission for reasonable periods of time for observation: *Provided*, That no person except those authorized for the purpose may touch any ballot ~~or ballot card~~ or other official records and papers utilized in the election during observation.

(b) All persons who are engaged in processing and counting the ballots are to work in teams consisting of two persons of opposite political parties, and are to be deputized in writing and take an oath that they will faithfully perform their assigned duties. These deputies are to be issued an official badge or identification card which is assigned an identity control number and the deputies are to prominently wear on his or her outer garments the issued badge or identification card. Upon completion of the deputies' duties, the badges or identification cards are to be returned to the county clerk.

(c) Ballots are to be handled and tabulated and the write-in votes tallied according to procedures established by the Secretary of State, subject to the following requirements:

(1) In systems using ballots marked with electronically sensible ink, ballots are to be removed from the ballot boxes and stacked for the tabulator which separates ballots containing marks for a write-in position. Immediately after tabulation, the valid write-in votes are to be tallied. No write-in vote may be counted for an office unless the voter has entered the name of an official write-in candidate for that office on the line provided; either by writing, affixing a sticker or placing an ink-stamped impression thereon;

(2) In systems using ballots in which votes are recorded upon screens with a stylus or by means of touch, the ~~personalized electronic ballots are to be removed from the containers and stacked for the tabulator~~ tabulated according to the processes of the

system. Systems using ballots in which votes are recorded upon screens with a stylus or by means of touch are to tally write-in ballots simultaneously with the other ballots;

(3) When more than one person is to be elected to an office and the voter desires to cast write-in votes for more than one official write-in candidate for that office, ~~a single punch or mark, as the voter shall mark the location~~ appropriate for the voting system, in the write-in location for that office. ~~is sufficient for all write-in choices.~~ When there are multiple write-in votes for the same office and the combination of choices for candidates on the ballot and write-in choices for the same office exceed the number of candidates to be elected, the ballot is to be duplicated or hand counted, with all votes for that office rejected;

(4) Write-in votes for nomination for any office and write-in votes for any person other than an official write-in candidate are to be disregarded;

(5) When a voter casts a straight ticket vote and also marks the location for a write-in vote for an office, the straight ticket vote for that office is to be rejected, whether or not a vote can be counted for a write-in candidate; and

(6) Official write-in candidates are those who have filed a write-in candidate's certificate of announcement and have been certified according to the provisions of section four-a, article six of this chapter.

(d) If any ballot ~~card~~ is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy is to be made of the damaged ballot ~~card~~ in the presence of representatives of each political party on the ballot and substituted for the damaged ballot ~~card~~. All duplicate ~~ballot cards~~ ballots are to be clearly labeled "duplicate" and are to bear a serial number which is recorded on the damaged or defective ballot ~~card~~ and on the replacement ballot. ~~card~~.

(e) The returns printed by the automatic tabulating equipment at the central counting center, to which have been added write-in and other valid votes, are, when certified by the clerk of the county commission, to constitute the ~~official~~ unofficial preliminary returns of each precinct or election district the county. ~~Further, all the returns are to be printed on a precinct basis. Periodically throughout and upon~~ Upon completion of the count, the returns are to be open to the public by posting a summary of the returns as have been tabulated ~~precinct by precinct~~ at the central counting center. Upon completion of the canvass, the returns are to be posted ~~in the same manner~~ as tabulated precinct by precinct.

(f) If for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the county commission may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots.

(g) As soon as possible after the completion of the count, the clerk of the county commission shall have the vote recording devices properly boxed or securely covered and removed to a proper and secure place of storage.

The bill (Eng. Com. Sub. for H. B. No. 3135), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill No. 143, Budget Bill.

Eng. House Bill No. 2158, Relating to the provision of financially-related services by banks and bank holding companies.

Eng. Com. Sub. for House Bill No. 2498, Making it a crime for a person sitting on a grand jury to disclose the identity of an individual who will be indicted.

Eng. Com. Sub. for House Bill No. 2567, Relating to limited partnerships.

Eng. Com. Sub. for House Bill No. 2590, Creating a public nonprofit corporation and governmental instrumentality to collectively address several environmental and economic development programs.

Eng. Com. Sub. for House Bill No. 2716, Relating to the West Virginia Fairness in Competitive Bidding Act.

Eng. Com. Sub. for House Bill No. 2717, Requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification.

Eng. Com. Sub. for House Bill No. 2730, Relating to the Real Estate Appraisal Board.

Eng. Com. Sub. for House Bill No. 2754, Relating to further defining a retailer engaging in business in this state for purposes of sales and use taxes.

Eng. House Bill No. 2770, Permitting dealers who sell fewer than eighteen new or used motor vehicles during a year to have their dealer licenses renewed.

Eng. House Bill No. 2780, Relating generally to multidisciplinary team meetings for juveniles committed to the custody of the West Virginia Division of Juvenile Services.

Eng. Com. Sub. for House Bill No. 2848, Providing the process for requesting a refund after forfeiture of rights to a tax deed.

Eng. House Bill No. 2851, Establishing a one time audit cost amnesty program for local governments with delinquent audit costs.

Eng. Com. Sub. for House Bill No. 2888, Allowing members of a policemen's civil service commission to serve on other local boards and commissions.

Eng. Com. Sub. for House Bill No. 2897, Declaring certain claims against the state and its agencies to be moral obligations of the state.

And,

Eng. Com. Sub. for House Bill No. 3069, Relating to access to justice.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Unger, the Senate recessed until 5 p.m. today.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Unger, and by unanimous consent, returned to the fourth order of business.

Senator Kessler (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Senate Concurrent Resolution No. 35, Requesting Joint Committee on Government and Finance study aging watershed dams and channels.

Senate Concurrent Resolution No. 38, Requesting Joint Committee on Government and Finance study Moving Ahead for Progress in 21st Century program.

Senate Concurrent Resolution No. 41, Requesting Joint Committee on Government and Finance study critical access need for emergency electric generators.

Senate Concurrent Resolution No. 48, Requesting Joint Committee on Government and Finance study availability of affordable housing.

And,

Senate Concurrent Resolution No. 51, Requesting Joint Committee on Government and Finance study needs, challenges and issues facing senior citizens in finding personal care services.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Jeffrey V. Kessler,
Chairman ex officio.

At the request of Senator Unger, unanimous consent being granted, the resolutions (S. C. R. Nos. 35, 38, 41, 48 and 51) contained in the preceding report from the Committee on Rules were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill No. 2265, Relating to the school access safety act.

And has amended same.

And,

Eng. House Bill No. 2861, Relating to continued enrollment of at-risk student in public school.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended.

Respectfully submitted,

Robert H. Plymale,
Chair.

At the request of Senator Plymale, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. No. 2265 and Eng. H. B. No. 2861) contained in the preceding report from the Committee on Education were each taken up for immediate consideration, read a first time and ordered to second reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill No. 2360, Relating to public school support computation of local share.

With amendments from the Committee on Education pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Education to which the bill was first referred.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2360) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill No. 2470, Relating to sign support specialist or an educational sign language interpreter in the education of exceptional children.

Now on second reading, having been read a first time and referred to the Committee on Finance on April 9, 2013;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill No. 2490, Providing for the appointment of veterans advocates at state institutions of higher education.

With an amendment from the Committee on Military pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Military to which the bill was first referred.

Respectfully submitted,

Robert H. Plymale,
Chair.

At the request of Senator Plymale, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2490) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill No. 2491, Establishing a uniform policy for students enrolled in institutions of higher education who are called up for duty in the military.

With an amendment from the Committee on Military pending;

And has also amended same.

And reports the same back with the recommendation that it do pass as last amended by the Committee on Education.

Respectfully submitted,

Robert H. Plymale,
Chair.

At the request of Senator Plymale, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2491) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2513, Improving enforcement of drugged driving offenses.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2513) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2531, Relating to the practice of speech-language pathology and audiology.

With an amendment from the Committee on Government Organization pending;

And has also amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on April 9, 2013;

And reports the same back with the recommendation that it do pass as last amended by the Committee on the Judiciary.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2534, Relating to the regulation of pawn brokers.

With amendments from the Committee on Government Organization pending;

And has also amended same.

And reports the same back with the recommendation that it do pass as last amended by the Committee on the Judiciary.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2534) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill No. 2538, Expiring, supplementing, amending, increasing, and adding items of appropriation in various accounts.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2538) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill No. 2541, Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Department of Health and Human Resources, Division of Human Services.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Eng. H. B. No. 2541) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill No. 2727, Relating to the school aid formula.

With amendments from the Committee on Education pending;

And has also amended same.

And reports the same back with the recommendation that it do pass as last amended by the Committee on Finance.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2727) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill No. 2731, Regulating the performance of health maintenance tasks by unlicensed personnel.

With amendments from the Committee on Health and Human Resources pending;

Now on second reading, having been read a first time and referred to the Committee on Government Organization on April 9, 2013;

And reports the same back with the recommendation that it do pass as amended by the Committee on Health and Human Resources to which the bill was first referred.

Respectfully submitted,

Herb Snyder,
Chair.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill No. 2738, Relating to the Center for Nursing.

With amendments from the Committee on Health and Human Resources pending;

And has also amended same.

And reports the same back with the recommendation that it do pass as last amended by the Committee on Education.

Respectfully submitted,

Robert H. Plymale,
Chair.

At the request of Senator Plymale, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2738) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2747, Relating to Open Governmental Proceedings.

With an amendment from the Committee on Government Organization pending;

And has also amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on April 9, 2013;

And reports the same back with the recommendation that it do pass as last amended by the Committee on the Judiciary.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill No. 2764, Relating to compulsory school attendance.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Robert H. Plymale,
Chair.

At the request of Senator Plymale, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2764) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill No. 2814, Relating to human trafficking.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. H. B. No. 2814) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2836, Allowing certain Commission on Special Investigations personnel the right to carry firearms.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2836) contained

in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill No. 2842, Clarifying that time-sharing plans, accommodations and facilities are subject to regulation by the Division of Land Sales and Condominiums.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on April 9, 2013;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill No. 2847, Relating to the collection of delinquent real property and personal property taxes.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. H. B. No. 2847) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill No. 2933, Providing notification to a prosecuting attorney of an offender's parole hearing and release.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. H. B. No. 2933) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill No. 2956, Relating to resident brewers and brewpubs.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. H. B. No. 2956) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 2964, Authorizing the mayor to appoint chiefs of police and deputy chiefs of police.

With amendments from the Committee on Government Organization pending;

And has also amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on April 9, 2013;

And reports the same back with the recommendation that it do pass as last amended by the Committee on the Judiciary.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 3020, Improving boat dock and marina safety.

With amendments from the Committee on Natural Resources pending;

And has also amended same.

And reports the same back with the recommendation that it do pass as last amended by the Committee on the Judiciary.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 3020) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill No. 3139, Authorizing qualified investigators employed by the Secretary of State to carry a firearm and concealed weapon.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 3139) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill No. 3157, Restoring the authority, flexibility, and capacity of schools and school systems to improve student learning.

With amendments from the Committee on Education pending;

Now on second reading, having been read a first time and referred to the Committee on Finance on April 9, 2013;

And reports the same back with the recommendation that it do pass as amended by the Committee on Education to which the bill was first referred.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. House Bill No. 3160, Providing for a pilot initiative on governance of schools jointly established by adjoining counties.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Robert H. Plymale,
Chair.

At the request of Senator Plymale, unanimous consent being granted, the bill (Eng. H. B. No. 3160) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time and ordered to second reading.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Unger, the Senate adjourned until tomorrow, Friday, April 12, 2013, at 11 a.m.

FRIDAY, APRIL 12, 2013

The Senate met at 11 a.m.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by Pastor Dick Corbin, Director of Church Relations for the Union Mission, Charleston, West Virginia.

Pending the reading of the Journal of Thursday, April 11, 2013,

On motion of Senator Blair, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

On motion of Senator Unger, the Senate recessed for five minutes to permit Wen-ling Wu, Director, Consular Division, Taipei Economic and Cultural Representative Office in the U. S., to address the Senate.

Upon expiration of the recess, the Senate reconvened and proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill No. 208, Making supplementary appropriation from State Fund, General Revenue, to Department of Commerce, Division of Labor, and DHHR, Division of Human Services.

A message from The Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as amended, to take effect July 1, 2013, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill No. 214, Eliminating interview requirement for certain medical licensee applicants.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 214—A Bill to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating generally to requirements of applicants for a license to practice medicine and surgery or podiatry; eliminating the requirement for all licensure applicants to appear for a personal interview with the Board of Medicine in certain circumstances; and authorizing the board to require applicants, on a case-by-case basis, to appear for a personal interview or to produce original documents for review by the board.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Senate Bill No. 214, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 214) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 214) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill No. 358, Relating to municipal policemen and firemen pensions.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill No. 387, Relating to family court judge supervision of criminal background investigations.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect July 1, 2013, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 435, Continuing Municipal Home Rule Pilot Program.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

**ARTICLE 1. PURPOSE AND SHORT TITLE; DEFINITIONS;
GENERAL PROVISIONS; CONSTRUCTION.**

§8-1-5a. Municipal Home Rule Pilot Program.

(a) *Legislative findings.* – The Legislature finds and declares that:

(1) The initial Municipal Home Rule Pilot Program brought innovative results, including novel municipal ideas that became municipal ordinances which later resulted in new statewide statutes;

(2) The initial Municipal Home Rule Pilot Program also brought some novel municipal ideas that resulted in court challenges against some of the participating municipalities;

(3) The Municipal Home Rule Board was an essential part of the initial Municipal Home Rule Pilot Program but it lacked some needed powers and duties;

(4) Municipalities still face challenges delivering services required by federal and state law, or demanded by their constituents;

(5) Municipalities are sometimes restrained by state statutes, policies and rules that challenge their ability to carry out their duties and responsibilities in a cost-effective, efficient and timely manner;

(6) Continuing the Municipal Home Rule Pilot Program is in the public interest; and

(7) Increasing the powers and duties of the Municipal Home Rule Board will enhance the Municipal Home Rule Pilot Program.

(b) *Continuance of pilot program.* – The Municipal Home Rule Pilot Program is continued until July 1, 2019. The ordinances enacted by the four participating municipalities pursuant to the initial Municipal Home Rule Pilot Program are hereby authorized and may remain in effect until the ordinances are repealed, but are null and void if amended and such amendment is not approved by the Municipal Home Rule Board: *Provided*, That any ordinance enacting a municipal occupation tax is hereby null and void.

(c) *Authorizing participation.* – Commencing July 1, 2013, any Class I, Class II, Class III and/or Class IV municipality, that is current in payment of all state fees, may participate in the Municipal Home Rule Pilot Program pursuant to the provisions of this section: *Provided*, That the four municipalities participating in the pilot program on July 1, 2012, are hereby authorized to continue in the pilot program and may amend current written plans and/or submit new written plans in accordance with the provisions of this section.

(d) *Municipal Home Rule Board.* – The Municipal Home Rule Board is hereby continued. The board members serving on the board on July 1, 2012, may continue to serve, except that the Chair of the Senate Committee on Government Organization and the Chair of the House Committee on Government Organization

shall be ex officio nonvoting members. Effective July 1, 2013, the Municipal Home Rule Board shall consist of the following five voting members:

(1) The Governor, or a designee, who shall serve as chair;

(2) The Executive Director of the West Virginia Development Office or a designee;

(3) One member representing the Business and Industry Council, appointed by the Governor with the advice and consent of the Senate;

(4) One member representing the largest labor organization in the state, appointed by the Governor with the advice and consent of the Senate; and

(5) One member representing the West Virginia Chapter of American Institute of Certified Planners, appointed by the Governor with the advice and consent of the Senate.

(e) *Board's powers and duties.* – The Municipal Home Rule Board has the following powers and duties:

(1) Establish specific eligibility criteria for the application process and documentation required for participation in the Municipal Home Rule Pilot Program;

(2) Review, evaluate, make recommendations and approve or reject, by a majority vote of the board, each aspect of the written plan submitted by a municipality;

(3) By a majority vote of the board, select, based on the municipality's written plan, new Class I, Class II, Class III and/or Class IV municipalities to participate in the Municipal Home Rule Pilot Program;

(4) Review, evaluate, make recommendations and approve or reject, by a majority vote of the board, the amendments to the written plans submitted by municipalities;

(5) Approve or reject, by a majority vote of the board, each ordinance submitted by a participating municipality pursuant to its written plan or its amendments to the written plan;

(6) Consult with any agency affected by the written plans or the amendments to the written plans; and

(7) Perform any other powers or duties necessary to effectuate the provisions of this section.

(f) *Written plan.* – On or before June 1, 2014, a Class I, Class II, Class III or Class IV municipality desiring to participate or continue to participate in the Municipal Home Rule Pilot Program shall submit a written plan to the board stating in detail the following:

(1) The specific laws, acts, resolutions, policies, rules or regulations which prevent the municipality from carrying out its duties in the most cost-efficient, effective and timely manner;

(2) The problems created by the laws, acts, resolutions, policies, rules or regulations;

(3) The proposed solutions to the problems, including all proposed changes to ordinances, acts, resolutions, rules and regulations: *Provided*, That the specific municipal ordinance instituting the solution does not have to be included in the written plan; and

(4) A written opinion, by an attorney licensed to practice in West Virginia, stating that the proposed written plan does not violate the provisions of this section.

(g) *Public hearing on written plan.* – Prior to submitting its written plan to the board, the municipality shall:

(1) Hold a public hearing on the written plan;

(2) Provide notice at least thirty days prior to the public hearing by a Class II legal advertisement;

(3) Make a copy of the written plan available for public inspection at least thirty days prior to the public hearing; and

(4) After the public hearing, adopt an ordinance authorizing the municipality to submit a written plan to the Municipal Home Rule Board after the proposed ordinance has been read two times.

(h) *Selection of municipalities.* – On or after June 1, 2014, by a majority vote, the Municipal Home Rule Board may select from the municipalities that submitted written plans and were approved by the board by majority vote new Class I, Class II, Class III and/or Class IV municipalities to participate in the Municipal Home Rule Pilot Program.

(i) *Ordinance, act, resolution, rule or regulation.* – After being selected to participate in the Municipal Home Rule Pilot Program and prior to enacting an ordinance, act, resolution, rule or regulation based on the written plan, the municipality shall:

(1) Hold a public hearing on the proposed ordinance, act, resolution, rule or regulation;

(2) Provide notice at least thirty days prior to the public hearing by a Class II legal advertisement;

(3) Make a copy of the proposed ordinance, act, resolution, rule or regulation available for public inspection at least thirty days prior to the public hearing;

(4) After the public hearing, submit the comments, either in audio or written form, to the Municipal Home Rule Board;

(5) Obtain approval, from the Municipal Home Rule Board by a majority vote, for the proposed ordinance, act, resolution, rule or regulation; and

(6) After obtaining approval from the Municipal Home Rule Board, read the proposed ordinance, act, resolution, rule or regulation at least two times.

(j) *Powers and duties of municipalities.* – The municipalities participating in the Municipal Home Rule Pilot Program have the authority to pass an ordinance, act, resolution, rule or regulation, under the provisions of this section, that is not contrary to:

- (1) Environmental law;
- (2) Bidding on government construction and other contracts;
- (3) The Freedom of Information Act;
- (4) The Open Governmental Proceedings Act;
- (5) Wages for construction of public improvements;
- (6) The provisions of this section;
- (7) The municipality's written plan; and
- (8) The Constitution of the United States or West Virginia.

(k) *Prohibited acts.* – The municipalities participating in the Municipal Home Rule Pilot Program do not have the authority to pass an ordinance, act, resolution, rule or regulation, under the provisions of this section, pertaining to:

- (1) The Constitutions of the United States or West Virginia;
- (2) Federal law or crimes and punishment;
- (3) Chapters sixty-a, sixty-one and sixty-two of this code or state crimes and punishment;
- (4) Pensions or retirement plans;
- (5) Annexation;
- (6) Taxation: *Provided*, That a participating municipality may enact a municipal sales tax up to one percent if it reduces or eliminates its municipal business and occupation tax: *Provided, however*, That if a municipality subsequently reinstates or raises the municipal business and occupation tax it previously reduced or eliminated under the Municipal Home Rule Pilot Program, it shall eliminate the municipal sales tax enacted under the Municipal Home Rule Pilot Program: *Provided, further*, That any municipality that imposes a municipal sales tax pursuant to this section shall use the services of the Tax Commissioner to administer, enforce and collect the tax in the same manner as the state consumers sales and service tax and use tax under the provisions of articles fifteen, fifteen-a and fifteen-b, chapter eleven of this code and all applicable provisions of the streamlined sales and use tax agreement: *And provided, further*, That such tax will not apply to the sale of motor fuel or motor vehicles;
- (7) Tax increment financing;
- (8) Extraction of natural resources;
- (9) Persons or property outside the boundaries of the municipality: *Provided*, That this prohibition under the Municipal Home Rule Pilot Program does not affect a municipality's powers outside its boundary lines under other sections of this chapter, other chapters of this code, or court decisions;

(10) Marriage and divorce laws;

(11) Restricting the carrying of a firearm, as that term is defined in section two, article seven, chapter sixty-one of this code: *Provided*, That, notwithstanding the provisions of subsection (r) of this section, municipalities may regulate the carrying of a firearm in municipal buildings dedicated to government operations, other than parking buildings or garages; and

(12) A fee or assessment payable by a non-resident of a municipality, which is substantially equivalent to an occupation tax.

(l) *Amendments to written plans.* – A municipality selected to participate in the Municipal Home Rule Pilot Program may amend its written plan at any time.

(m) *Reporting requirements.* – Commencing December 1, 2015, and each year thereafter, each participating municipality shall give a progress report to the Municipal Home Rule Board, and commencing January 1, 2016, and each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.

(n) Before the January 1, 2018, the Performance Evaluation and Review Division shall conduct a performance review on the pilot program and the participating municipalities and/or metro governments. The review shall include the following:

(1) An evaluation of the effectiveness of expanded home rule on the participating municipalities and/or metro governments;

(2) A recommendation as to whether the expanded home rule should be continued, reduced, expanded or terminated;

(3) A recommendation as to whether any legislation is necessary; and

(4) Any other issues considered relevant.

(o) The pilot program terminates July 1, 2019.

(p) No ordinances, acts, resolutions, rules or regulations may be enacted by a municipality or metro government, after July 1, 2019, pursuant to the provisions of this section, unless otherwise authorized by the Legislature.

(q) An ordinance, act, resolution, rule or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect until repealed, but is null and void if it is amended and such amendment is not approved by the Municipal Home Rule Board.

(r) *Additional requirements for participation.* – The Class I, Class II, Class III and/or Class IV municipalities, that wish to participate in the Municipal Home Rule Pilot Program, pursuant to the provisions of this section, must agree to the requirements set forth in this subsection, concerning regulation of firearms, ammunition and firearm accessories: *Provided*, That if the four municipalities participating in the pilot program on July 1, 2012, wish to continue in the pilot program then those municipalities must also agree to comply with the requirements of this subsection.

(1) Definitions.

As used in this subsection:

(A) “Ammunition” means fixed cartridge ammunition, shotgun shells, the individual components of fixed cartridge ammunition and shotgun shells, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(B) “Firearm accessory” means a device specifically designed or adapted to enable the wearing or carrying about one’s person,

or the storage or mounting in or on a conveyance, of a firearm, or an attachment or device specifically designed or adapted to be inserted into or affixed onto a firearm to enable, alter or improve the functioning or capabilities of the firearm.

(C) "Firearm" has the same meaning as in section two, article seven of chapter sixty-one.

(2) General rule.

(A) Notwithstanding any other provision of this code to the contrary, except as otherwise provided for within this section, municipalities participating in the home rule program pursuant to this section shall not restrict in any manner the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any revolver, pistol, rifle or shotgun, or any other firearm, or any ammunition or ammunition components to be used therewith, or the keeping of gunpowder so as to directly or indirectly prohibit the ownership of the ammunition, or, to restrict in any manner the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any other firearm accessory or accouterment; to the complete exclusion of any order, ordinance or rule promulgated or enforced by any political subdivision of this state.

(B) The authority of a political subdivision to regulate firearms, ammunition, or firearm accessories may not be inferred from its proprietary authority, home rule status or any other inherent or general power.

(C) Any existing or future orders, ordinances, or rules promulgated or enforced in violation of this subsection are null and void.

(3) Applicability and effective dates.

This subsection applies to any order, ordinance or rule adopted by a municipality covered by the provisions of this section or to

official actions taken by an employee or agent of such municipality, on or after the effective date of this article. Upon the effective date of this article, any grandfathered municipal gun ordinances which were in effect at the time of the original passage of section five-a, article twelve, chapter eight of this code shall no longer be of any force or effect for any municipality participating in this program, to the extent they are in conflict with the provisions of this article: *Provided*, That no provision in this subsection may be construed to limit the authority of a county or municipality to restrict the commercial use of real estate in designated areas through planning or zoning ordinances.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 435—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to continuing the Municipal Home Rule Pilot Program; continuing the Municipal Home Rule Pilot Program; continuing the Municipal Home Rule Board; setting forth legislative findings; authorizing Class I, II, III and IV municipalities to participate in the program; clarifying the voting privileges of members of the Municipal Home Rule Board; clarifying the powers and duties of the board; establishing written plan requirements for municipalities; establishing requirements for the adoption of ordinances; requiring public hearings; setting forth powers and duties of the participating municipalities; prohibiting certain acts by participating municipalities; providing the opportunity for participating municipalities to withdraw from the program; providing for amendments to the written plan; requiring a performance review of the pilot program; establishing reporting requirements; validating the continuance of certain ordinances passed by the municipalities participating in the pilot program; prohibiting municipalities participating in the pilot program from restricting the right of any person to purchase, possess, transfer,

own, carry, transport, sell or store any firearm, firearm accessory or accouterment, or any ammunition or ammunition component; providing limited exceptions to the firearms prohibition; and establishing a termination date of the pilot program.

On motion of Senator Unger, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for S. B. No. 435) and requested the House of Delegates to recede therefrom.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill No. 440, Relating to disclosure of specified tax information for enforcement of Tobacco Master Settlement Agreement.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect July 1, 2013, of

Eng. Com. Sub. for Senate Bill No. 445, Allowing Tax Commissioner divert lottery prizes to offset tax liabilities of lottery winners.

A message from The Clerk of the House of Delegates announced the passage by that body, without amendment, to take effect July 1, 2013, and requested the concurrence of the Senate in the changed effective date, of

Eng. Senate Bill No. 446, Conforming motor fuel taxes with International Fuel Tax Agreement.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

On further motion of Senator Unger, the Senate concurred in the changed effective date of the bill, that being to take effect July 1, 2013, instead of from passage.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 446) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill No. 462, Extending time for informal conferences on surface mining permit applications.

A message from The Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 478, Redefining “video lottery games”; permitting wagering by historic resort hotel employees.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

Eng. Com. Sub. for Senate Bill No. 478—A Bill to amend and reenact §29-22A-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22B-332 of said code; and to amend and reenact §29-25-2 and §29-25-24 of said code, all relating to wagering at video lottery and gaming facilities; deleting those video lottery games that allow players an option to select replacement symbols or numbers or additional symbols or numbers after the game is initiated and in the course of play from the definition of “video lottery game”; deleting prohibition against game themes commonly associated with casino gambling; and permitting certain employees of a historic resort hotel to wager at the gaming facility of that historic hotel.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Committee Substitute for Senate Bill No. 478, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 478) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 478) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill No. 491, Relating to rental car license cost recovery fee.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill No. 504, Relating to cooperative associations.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill No. 524, Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOT.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill No. 526, Making supplementary appropriation of federal funds to DHHR, Division of Human Services-Temporary Assistance for Needy Families.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill No. 534, Correcting internal code reference regarding insurance information disclosure.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill No. 542, Relating to restricted races at pari-mutuel thoroughbred horse racetracks.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill No. 544, Scheduling departmental performance reviews.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill No. 553, Relating to Highway Design-Build Program.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 557, Continuing Preventive Care Pilot Program.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §16-2J-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2J. PREVENTIVE CARE PILOT PROGRAM.

§16-2J-3. Authorization of preventive care pilot program; number of participants and sites; Health Care Authority considerations in selection of participating providers; funding.

(a) (1) The Health Care Authority shall, in consultation with the Insurance Commissioner, develop and implement during the fiscal

year beginning July 1, 2006, a pilot program that permits providers to market and sell prepaid memberships entitling subscribers to obtain preventive and primary health care from the participating providers.

(2) Participating providers shall not be allowed to offer their qualifying services at more than six separate sites.

(3) The pilot program shall expire on June 30, ~~2011~~ 2016.

(4) Those providers participating in the pilot program as of its expiration date may continue to operate pursuant to this article.

(5) The Health Care Authority shall report to the Legislative Oversight Commission on Health and Human Resources Accountability on the pilot program by December 1, 2015.

(b) Subject to this article, the Health Care Authority is vested with discretion to select providers using diversity in practice organization, geographical diversity and other criteria it deems appropriate. The Health Care Authority also shall give consideration to providers located in rural areas or serving a high percentage or large numbers of uninsured.

(c) In furtherance of the objectives of this article, the Health Care Authority is authorized to accept any and all gifts, grants and matching funds whether in the form of money or services. However, no gifts, grants and matching funds shall be provided to the Health Care Authority by the State of West Virginia to further the objectives of this article.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 557—A Bill to amend and reenact §16-2J-3 of the Code of West Virginia, 1931, as amended,

relating to authorizing continued operation of certain pilot programs after expiration date; adding a reporting requirement; and resetting expiration date.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 557, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 557) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 557) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill No. 561, Establishing Tucker County Cultural District Authority.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 580, Updating requirements for dental intern, resident and teaching permits.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The House of Delegates amendments to the bill were reported by the Clerk:

[CLERK'S NOTE: For text of the House of Delegates amendments, see the Journals of the House of Delegates of April 9 and 10, 2013.]

On motion of Senator Unger, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for S. B. No. 580) and requested the House of Delegates to recede therefrom.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill No. 658, Extending time for Madison City Council to meet as levying body.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 16, Requesting DOH name County Route 5/07 in Logan County “Army PFC James Edward Workman Memorial Road”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 17, Requesting DOH name bridge in Randolph County “Army Captain Bernard Francis Jones Memorial Bridge”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 19, Requesting DOH name bridge in Kanawha County “U. S. Army Sgt. Archie W. Searls Memorial Bridge”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 21, Requesting DOH name bridge in Logan County “Navy Lieutenant, Junior Grade, Edsel Carl Varney Memorial Bridge”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution No. 22, Requesting DOH name bridge in Kanawha County “Joseph Albert ‘Joey’ King, Jr., Memorial Bridge”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 23, Requesting DOH name bridge in Wyoming County “Reverend Edward and Mary Mullins Memorial Bridge”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 24, Requesting DOH name portion of U. S. Route 60 in Kanawha County “Lou Tabit Highway”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

Eng. Com. Sub. for House Bill No. 2815, Clarifying and modifying the process of appointing and terminating guardians for minors.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 100—Requesting the Joint Committee on Government and Finance study Medical Amnesty and Good Samaritan policies in other states and in institutions of higher education.

Referred to the Committee on Rules.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 101—Requesting the Joint Committee on Government and Finance study the legality and the potential consequences of the use of drones by public and private entities in the State of West Virginia.

Referred to the Committee on Rules.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 113—Requesting the Joint Committee on Government and Finance to authorize a study on the need for and the constitutionality of a revenue surcharge designated for live adult entertainment establishments that serve alcohol.

Referred to the Committee on Rules.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 127—Requesting the Joint Committee on Government and Finance to study adult day care services in West Virginia.

Referred to the Committee on Rules.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 129—Requesting the Joint Committee on Government and Finance to study the deficiencies in home caregiver assistance for senior citizens.

Referred to the Committee on Rules.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 130—Requesting the Joint Committee on Government and Finance to study the feasibility of updating state laws that strengthen protections against elder abuse, exploitation and fraud.

Referred to the Committee on Rules.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 138—Requesting that the Joint Committee on Government and Finance authorize a study on state recognition of Native American Tribes.

Referred to the Committee on Rules.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 139—Requesting the Joint Committee on Government and Finance to create a select working group to study the potential for creating new jobs and improving our economy by increasing agribusiness in the state through the development of a sustainable regional-based food system that supports the production, processing, aggregation, distribution and consumption of West Virginia foods.

Referred to the Committee on Rules.

The Senate proceeded to the fourth order of business.

Senator Kessler (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Senate Concurrent Resolution No. 42, Requesting Joint Committee on Government and Finance study state's purchasing process and procedures.

Senate Concurrent Resolution No. 50, Requesting Joint Committee on Government and Finance study abuse deterrent formulations for opioid medications.

Senate Concurrent Resolution No. 52, Requesting Joint Committee on Government and Finance study tobacco use.

Senate Concurrent Resolution No. 69, Requesting Joint Committee on Government and Finance study West Virginia Project Launchpad Act.

House Concurrent Resolution No. 50, Requesting the Joint Committee on Government and Finance to schedule the June 2013 Legislative Interim Committee meetings in Wheeling during the week of June 20.

And,

House Concurrent Resolution No. 105, Requesting a study on the necessity of hiring additional fraud investigators for the Department of Health and Human Resources and the Medicaid Fraud Control Unit.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Jeffrey V. Kessler,
Chairman ex officio.

At the request of Senator Unger, unanimous consent being granted, Senate Concurrent Resolution Nos. 42, 50, 52 and 69 contained in the preceding report from the Committee on Rules were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Unger, and by unanimous consent, House Concurrent Resolution Nos. 50 and 105 contained in the preceding report from the Committee on Rules were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill No. 2352, Clarifying that the West Virginia Department of Environmental Protection does not assume a mine operator's obligations or liabilities under the Water Pollution Control Act.

With amendments from the Committee on the Judiciary pending;

Now on second reading, having been read a first time and referred to the Committee on Finance on April 11, 2013;

And reports the same back with the recommendation that it do pass as amended by the Committee on the Judiciary to which the bill was first referred.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2352) contained in the preceding report from the Committee on Finance was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 3. SURFACE COAL MINING AND RECLAMATION ACT.

§22-3-11. Bonds; amount and method of bonding; bonding requirements; special reclamation tax and funds; prohibited acts; period of bond liability.

(a) After a surface mining permit application has been approved pursuant to this article, but before a permit has been issued, each operator shall furnish a penal bond, on a form to be prescribed and furnished by the secretary, payable to the State of West Virginia and conditioned upon the operator faithfully performing all of the

requirements of this article and of the permit. The penal amount of the bond shall be not less than \$1,000 nor more than \$5,000 for each acre or fraction of an acre: *Provided*, That the minimum amount of bond furnished for any type of reclamation bonding shall be \$10,000. The bond shall cover: (1) The entire permit area; or (2) that increment of land within the permit area upon which the operator will initiate and conduct surface mining and reclamation operations within the initial term of the permit. If the operator chooses to use incremental bonding, as succeeding increments of surface mining and reclamation operations are to be initiated and conducted within the permit area, the operator shall file with the secretary an additional bond or bonds to cover the increments in accordance with this section: *Provided, however*, That once the operator has chosen to proceed with bonding either the entire permit area or with incremental bonding, the operator shall continue bonding in that manner for the term of the permit.

(b) The period of liability for bond coverage begins with issuance of a permit and continues for the full term of the permit plus any additional period necessary to achieve compliance with the requirements in the reclamation plan of the permit.

(c) (1) The form of the bond shall be approved by the secretary and may include, at the option of the operator, surety bonding, collateral bonding (including cash and securities), establishment of an escrow account, self bonding or a combination of these methods. If collateral bonding is used, the operator may elect to deposit cash or collateral securities or certificates as follows: Bonds of the United States or its possessions of the Federal Land Bank or of the Homeowners' Loan Corporation; full faith and credit general obligation bonds of the State of West Virginia or other states and of any county, district or municipality of the State of West Virginia or other states; or certificates of deposit in a bank in this state, which certificates shall be in favor of the department. The cash deposit or market value of the securities or certificates shall be equal to or greater than the penal sum of the bond. The secretary shall, upon receipt of any deposit of cash, securities or certificates, promptly

place the same with the Treasurer of the State of West Virginia whose duty it is to receive and hold the deposit in the name of the state in trust for the purpose for which the deposit is made when the permit is issued. The operator making the deposit is entitled, from time to time, to receive from the State Treasurer, upon the written approval of the secretary, the whole or any portion of any cash, securities or certificates so deposited, upon depositing with him or her in lieu thereof cash or other securities or certificates of the classes specified in this subsection having value equal to or greater than the sum of the bond.

(2) The secretary may approve an alternative bonding system if it will: (A) Reasonably assure that sufficient funds will be available to complete the reclamation, restoration and abatement provisions for all permit areas which may be in default at any time; and (B) provide a substantial economic incentive for the permittee to comply with all reclamation provisions.

(d) The secretary may accept the bond of the applicant itself without separate surety when the applicant demonstrates to the satisfaction of the secretary the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient for authorization to self insure.

(e) It is unlawful for the owner of surface or mineral rights to interfere with the present operator in the discharge of the operator's obligations to the state for the reclamation of lands disturbed by the operator.

(f) All bond releases shall be accomplished in accordance with the provisions of section twenty-three of this article.

(g) (1) The Special Reclamation Fund previously created is continued. The Special Reclamation Water Trust Fund is created within the State Treasury into and from which moneys shall be paid for the purpose of assuring a reliable source of capital to reclaim

and restore water treatment systems on forfeited sites. The moneys accrued in both funds, any interest earned thereon and yield from investments by the State Treasurer or West Virginia Investment Management Board are reserved solely and exclusively for the purposes set forth in this section and section seventeen, article one of this chapter. The funds shall be administered by the secretary who is authorized to expend the moneys in both funds for the reclamation and rehabilitation of lands which were subjected to permitted surface mining operations and abandoned after August 3, 1977, where the amount of the bond posted and forfeited on the land is less than the actual cost of reclamation, and where the land is not eligible for abandoned mine land reclamation funds under article two of this chapter. The secretary shall develop a long-range planning process for selection and prioritization of sites to be reclaimed so as to avoid inordinate short-term obligations of the assets in both funds of such magnitude that the solvency of either is jeopardized. The secretary may use both funds for the purpose of designing, constructing and maintaining water treatment systems when they are required for a complete reclamation of the affected lands described in this subsection. The secretary may also expend an amount not to exceed ten percent of the total annual assets in both funds to implement and administer the provisions of this article and, as they apply to the Surface Mine Board, articles one and four, chapter twenty-two-b of this code.

(2)(A) A tax credit shall be granted against the tax imposed by subsection (i) of this section to any mine operator who performs reclamation or remediation at a bond forfeiture site which otherwise would have been reclaimed using funds from the Special Reclamation Fund or Special Reclamation Water Trust Fund. The amount of credit shall be determined as provided in this section.

(B) The amount of a reclamation tax credit granted under this subsection shall be equal to the amount that the Tax Commissioner determines, based on the project costs, as shown in the records of the secretary, that would have been spent from the Special

Reclamation Fund or Special Reclamation Water Trust Fund to accomplish the reclamation or remediation performed by the mine operator, including expenditures for water treatment.

(C) To claim the credit, the mine operator shall from time to time file with the Tax Commissioner a written application seeking the amount of the credit earned. Within thirty days of receipt of the application, the Tax Commissioner shall issue a certification of the amount of tax credit, if any, to be allocated to the eligible taxpayer. Should the amount of the credit certified be less than the amount applied for, the Tax Commissioner shall set forth in writing the reason for the difference. Should no certification be issued within the thirty-day period, the application will be deemed certified. Any decision by the Tax Commissioner is appealable pursuant to the provisions of the "West Virginia Tax Procedure and Administration Act" set forth in article ten, chapter eleven of the code. Applications for certification of the proposed tax credit shall contain the information and be in the detail and form as required by the Tax Commissioner.

(h) The Tax Commissioner may promulgate rules for legislative approval pursuant to the provisions of article three, chapter twenty-nine-a of this code to carry out the purposes of this subdivision two, subsection (g) of this section.

~~(h)~~ (i)(1) Rate, deposits and review.

(A) For tax periods commencing on and after July 1, 2009, every person conducting coal surface mining shall remit a special reclamation tax of fourteen and four-tenths cents per ton of clean coal mined, the proceeds of which shall be allocated by the secretary for deposit in the Special Reclamation Fund and the Special Reclamation Water Trust Fund.

(B) For tax periods commencing on and after July 1, 2012, the rate of tax specified in paragraph (A) of this subdivision is discontinued and is replaced by the rate of tax specified in this

paragraph (B). For tax periods commencing on and after July 1, 2012, every person conducting coal surface mining shall remit a special reclamation tax of twenty-seven and nine-tenths cents per ton of clean coal mined, the proceeds of which shall be allocated by the secretary for deposit in the Special Reclamation Fund and the Special Reclamation Water Trust Fund. Of that amount, fifteen cents per ton of clean coal mined shall be deposited into the Special Reclamation Water Trust Fund.

(C) The tax shall be levied upon each ton of clean coal severed or clean coal obtained from refuse pile and slurry pond recovery or clean coal from other mining methods extracting a combination of coal and waste material as part of a fuel supply.

(D) Beginning with the tax period commencing on July 1, 2009, and every two years thereafter, the special reclamation tax shall be reviewed by the Legislature to determine whether the tax should be continued: *Provided*, That the tax may not be reduced until the Special Reclamation Fund and Special Reclamation Water Trust Fund have sufficient moneys to meet the reclamation responsibilities of the state established in this section.

(2) In managing the Special Reclamation Program, the secretary shall: (A) Pursue cost-effective alternative water treatment strategies; and (B) conduct formal actuarial studies every two years and conduct informal reviews annually on the Special Reclamation Fund and Special Reclamation Water Trust Fund.

(3) Prior to December 31, 2008, the secretary shall:

(A) Determine the feasibility of creating an alternate program, on a voluntary basis, for financially sound operators by which those operators pay an increased tax into the Special Reclamation Fund in exchange for a maximum per-acre bond that is less than the maximum established in subsection (a) of this section;

(B) Determine the feasibility of creating an incremental bonding program by which operators can post a reclamation bond for those areas actually disturbed within a permit area, but for less than all of the proposed disturbance and obtain incremental release of portions of that bond as reclamation advances so that the released bond can be applied to approved future disturbance; and

(C) Determine the feasibility for sites requiring water reclamation by creating a separate water reclamation security account or bond for the costs so that the existing reclamation bond in place may be released to the extent it exceeds the costs of water reclamation.

(4) If the secretary determines that the alternative program, the incremental bonding program or the water reclamation account or bonding programs reasonably assure that sufficient funds will be available to complete the reclamation of a forfeited site and that the Special Reclamation Fund will remain fiscally stable, the secretary is authorized to propose legislative rules in accordance with article three, chapter twenty-nine-a of this code to implement an alternate program, a water reclamation account or bonding program or other funding mechanisms or a combination thereof.

(†) (j) This special reclamation tax shall be collected by the State Tax Commissioner in the same manner, at the same time and upon the same tonnage as the minimum severance tax imposed by article twelve-b, chapter eleven of this code is collected: Provided, That under no circumstance shall the special reclamation tax be construed to be an increase in either the minimum severance tax imposed by said article or the severance tax imposed by article thirteen of said chapter.

(†) (k) Every person liable for payment of the special reclamation tax shall pay the amount due without notice or demand for payment.

(†) (l) The Tax Commissioner shall provide to the secretary a quarterly listing of all persons known to be delinquent in

payment of the special reclamation tax. The secretary may take the delinquencies into account in making determinations on the issuance, renewal or revision of any permit.

(~~h~~) (m) The Tax Commissioner shall deposit the moneys collected with the Treasurer of the State of West Virginia to the credit of the Special Reclamation Fund and Special Reclamation Water Trust Fund.

(~~m~~) (n) At the beginning of each quarter, the secretary shall advise the State Tax Commissioner and the Governor of the assets, excluding payments, expenditures and liabilities, in both funds.

(~~n~~) (o) To the extent that this section modifies any powers, duties, functions and responsibilities of the department that may require approval of one or more federal agencies or officials in order to avoid disruption of the federal-state relationship involved in the implementation of the federal Surface Mining Control and Reclamation Act, 30 U. S. C. §1270 by the state, the modifications will become effective upon the approval of the modifications by the appropriate federal agency or official.

The bill (Eng. Com. Sub. for H. B. No. 2352), as amended, was then ordered to third reading.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill No. 2600, Creating resort area districts.

Now on second reading, having been read a first time and referred to the Committee on Finance on April 10, 2013;

And,

Eng. House Bill No. 3043, Including methane monitoring equipment as eligible safety equipment for tax credit purposes.

Now on second reading, having been read a first time and referred to the Committee on Finance on April 10, 2013;

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. No. 2600 and Eng. H. B. No. 3043) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a second time and ordered to third reading.

The Senate proceeded to the sixth order of business.

Senators Chafin, Stollings and Cole offered the following resolution:

Senate Concurrent Resolution No. 70—Requesting the Division of Highways to name bridge number 50-3/5-21.47, currently known as the Broad Camp Branch Bridge, near the Wayne/Mingo county line, the “Nancy E. May Memorial Bridge”.

Whereas, Nancy E. May and the members of her family have lived all their lives in the vicinity of the above-mentioned bridge; and

Whereas, Nancy E. May was a pillar of the Dingess, West Virginia, community, having taught all the children in the area in Sunday School; and

Whereas, Nancy E. May dedicated her life to serving God and tried to instill Godly morals in every person with whom she came into contact; and

Whereas, Nancy E. May, mother of Robbie May, Assistant Pastor of the Trace Church of God, was a highly respected lady in the community; and

Whereas, Members of the community wish that the above-mentioned bridge be named to honor the memory of Nancy E. May; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 50-3/5-21.47, currently known as the Broad Camp Branch Bridge, near the Wayne/Mingo county line, the “Nancy E. May Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is requested to erect signs at both ends of the bridge, containing bold and prominent letters, proclaiming the bridge the “Nancy E. May 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 family of Nancy E. May and the Secretary of the Department of Transportation.

Which, under the rules, lies over one day.

Senators Wells, Kessler (Mr. President), Stollings, Unger, Prezioso, Williams, D. Hall, Jenkins and McCabe offered the following resolution:

Senate Resolution No. 66—Recognizing the sister-state relationship of West Virginia with the Republic of China (Taiwan) on the occasion of its thirty-third anniversary.

Whereas, August 4, 2013, will mark the thirty-third anniversary of a sister-state relationship between West Virginia and Taiwan; and

Whereas, The year 2011 marked the one hundredth anniversary of the founding of the Republic of China (Taiwan); and

Whereas, For the past thirty-three years, the sister-state relationship with Taiwan has been strengthened through the efforts of the Taipei Economic and Cultural Representative Office, resulting in better mutual understanding; and

Whereas, The Republic of China (Taiwan), with a population of twenty-three million, has endeavored to improve cross-Strait relations since President Ma Ying-Jeou came to power in 2008, and it is encouraging that eight rounds of talks have been held and eighteen agreements have been signed between Taiwan and mainland China since then; and

Whereas, The cross-Strait Economic Cooperation Framework Agreement (ECFA), signed on June 29, 2010, can serve as an effective platform for cross-Strait interactions and contribute to normalization of trade and economic relations between Taiwan and mainland China; and

Whereas, The UN's World Health Organization (WHO) invited Taiwan to attend the World Health Assembly since 2009, as an observer, setting precedents for Taiwan's meaningful participation in the UN's specialized agencies; and

Whereas, Taiwan's absence from the international organizations dealing with climate change like the United Nations Framework Convention on Climate Change has impeded Taiwan's ability to respond to natural disasters like Typhoon Morakot, which struck Taiwan in the summer of 2009; and

Whereas, The Taoyuan International Airport is a key air transport hub in the Asia-Pacific region, ranked the world's fifteenth largest by cargo volume in 2012, and 411,416 Americans traveled to Taiwan for business and leisure during 2012, consolidating aviation safety and regulation in Taiwan also a priority for Americans' safety and best interests; given Taiwan's prominent role in regional air control and transport services like meaningful participating in the International Civil Aviation Organization (ICAO), it would be beneficial for Taiwan to safeguard the traveling of passengers from home and abroad; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the sister-state relationship of West Virginia with the Republic of China (Taiwan) on the occasion of its thirty-third anniversary; and, be it

Further Resolved, That the Senate affirms its support for West Virginia's sister-state relationship with Taiwan; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives from the Republic of China (Taiwan).

At the request of Senator Wells, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

Petitions

Senator Yost presented a petition from Linda West and thirty-five Wheeling Health Right Free Clinic patients, opposing state budget cuts to Health Right Free Clinics.

Referred to the Committee on Health and Human Resources.

At the request of Senator Unger, and by unanimous consent, the Senate returned to the fourth order of business.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Concurrent Resolution No. 71 (originating in the Committee on Government Organization)—Requesting the Joint Committee on Government and Finance study the feasibility of transferring the responsibility for administering the EMT-mining training and certification program from the Office of Emergency Medical Services to the Office of Miners' Health, Safety and Training.

Whereas, EMT-miners are limited in where they can perform their allocated duties; and

Whereas, EMT-miners differ in qualification from other EMTs certified by the Office of Emergency Medical Services; and

Whereas, EMT-miners require substantial safety training that may be better provided by the Office of Miners' Health, Safety and Training; 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 of transferring the responsibility for administering the EMT-mining training and certification program from the Office of Emergency Medical Services to the Office of Miners' Health, Safety and Training; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the resolution (S. C. R. No. 71) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration.

On motion of Senator Snyder, the resolution was referred to the Committee on Rules.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Concurrent Resolution No. 72 (originating in the Committee on Government Organization)—Requesting the Joint Committee on Government and Finance study methods to consistently increase the salaries of elected county officials.

Whereas, Every year county officials look to the Legislature to enhance their compensation; and

Whereas, Senate Bill 367 was introduced during the 2013 regular session, which proposed creating the Citizens Elected County Officials Compensation Commission; and

Whereas, Having a consistent method to increase county officials' salaries would be beneficial to both the counties and the Legislature; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study methods to consistently increase the salaries of elected county officials; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the resolution (S. C. R. No. 72) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration.

On motion of Senator Snyder, the resolution was referred to the Committee on Rules.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Concurrent Resolution No. 73 (originating in the Committee on Government Organization)—Requesting the Joint Committee on Government and Finance study the feasibility of regulating the bail bonding industry.

Whereas, A lack of uniformity in regulation and oversight of bail bondsmen exists across the state; and

Whereas, The courts have no way to verify available collateral to secure bonds; and

Whereas, Different fees are charged from county to county to post bonds; 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 of regulating the bail bonding industry; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the resolution (S. C. R. No. 73) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration.

On motion of Senator Snyder, the resolution was referred to the Committee on Rules.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Concurrent Resolution No. 74 (originating in the Committee on Education)—Requesting the Joint Committee on Government and Finance study local funding of public libraries in the State of West Virginia and identify means, methods or mechanisms by which a statewide system of secure, predictable and adequate local funding of our state's public libraries can be implemented.

Whereas, West Virginia public libraries rank seventh in the nation in funding provided by the state, at \$5.00 per capita; and

Whereas, West Virginia public libraries rank forty-eighth in the nation when state and local funding are combined; and

Whereas, West Virginia public libraries located in Berkeley, Cabell, Hardy, Harrison, Kanawha, Lincoln, Ohio, Raleigh, Tyler, Upshur and Wood counties enjoyed dedicated and reasonably adequate funding through special acts of the Legislature, which funding is now in jeopardy due to a February, 2013, decision of the West Virginia Supreme Court of Appeals which removes boards of education as mandatory partners in funding public libraries in those counties; and

Whereas, The West Virginia Supreme Court of Appeals decision presents a challenge to arrive at a statewide system of local funding of public libraries, which system plays a vital role in the educational development of children birth through age three, acquisition of early literacy skills, support for K-12 education, support for students pursuing higher education and support for all West Virginians who continue to learn throughout all of their lives; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study local funding of public libraries in the State of West Virginia and identify means, methods or mechanisms by which a statewide system of secure, predictable and adequate local funding of our state's public libraries can be implemented; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Robert H. Plymale,
Chair.

At the request of Senator Plymale, unanimous consent being granted, the resolution (S. C. R. No. 74) contained in the preceding report from the Committee on Education was taken up for immediate consideration.

On motion of Senator Plymale, the resolution was referred to the Committee on Rules.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Concurrent Resolution No. 75 (originating in the Committee on Education)—Requesting the Joint Committee on Government and Finance study privately owned licensed residential facilities receiving public funds for housing and treating students who are attending public schools or receiving education at public expense; and determine how the cost of providing educational service should be funded.

Whereas, Privately owned residential facilities in West Virginia provide treatment and/or services to youth ages 5-21 with developmental disabilities who also have behavioral issues; and

Whereas, The counties in which the residential facilities are located are burdened with the responsibility for the cost of education for school-aged children placed in these privately owned residential facilities; and

Whereas, Many children are placed in these facilities by family members rather than by a state agency and are therefore ineligible to receive education-related services at public expense; and

Whereas, The exact number of students, either parentally placed or by the West Virginia Department of Health and Human Resources (WVDHHR) is not known; and

Whereas, There does not exist a comprehensive list of residential facilities, nor are the facilities' accreditations known; and

Whereas, Neither reasons nor average length of stay for all children placed in residential facilities is known; and

Whereas, Under the federal Individuals with Disabilities Education Improvement Act of 2004 (IDEA), each state must provide a Free Appropriate Public Education (FAPE) to all eligible children with disabilities; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study privately owned licensed residential facilities receiving public funds for housing and treating students who are attending public schools or receiving education at public expense; and determine how the cost of providing educational service should be funded; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Robert H. Plymale,
Chair.

At the request of Senator Plymale, unanimous consent being granted, the resolution (S. C. R. No. 75) contained in the preceding report from the Committee on Education was taken up for immediate consideration.

On motion of Senator Plymale, the resolution was referred to the Committee on Rules.

Senator Kessler (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Senate Resolution No. 67 (originating in the Committee on Rules)—Authorizing the Senate Committee on Confirmations to meet and be paid during interims between regular sessions of the Eighty-First Legislature.

Whereas, Section one, article one, chapter four of the Code of West Virginia, 1931, as amended, provides that either house of the

Legislature may, by resolution, direct any select committee unique to that house or any standing committee of that house and created by it by rule, motion or resolution to meet between regular sessions of the Legislature; and

Whereas, The West Virginia Senate is vested with the authority, under sections eight and nine, article VII of the Constitution of West Virginia, to advise and consent to certain gubernatorial nominations and certain other nominations as determined by law; and

Whereas, The Committee on Confirmations is a standing committee of the Senate with authority to make recommendations and report to the Senate with respect to such nominations; therefore, be it

Resolved by the Senate:

That the Senate hereby authorizes its Committee on Confirmations to meet and be paid during interims between regular sessions of the Eighty-First Legislature; and, be it

Further Resolved, That the Committee on Confirmations is hereby authorized to meet at times subject to the approval of the presiding officer of the Senate; and, be it

Further Resolved, That the purpose of any such meetings would relate to gathering of information regarding prospective matters involving duties of the Senate related to advice and consent as to nominations; and, be it

Further Resolved, That members of such committee are hereby authorized by the Senate Committee on Rules to receive payment of travel and interim expenses and other compensation as provided by law.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Jeffrey V. Kessler,
Chairman ex officio.

At the request of Senator Unger, unanimous consent being granted, the resolution (S. R. No. 67) contained in the preceding report from the Committee on Rules was taken up for immediate consideration.

The question being on the adoption of the resolution, the same was put and prevailed.

The Senate again proceeded to the sixth order of business.

At the request of Senator Barnes, unanimous consent being granted, Senators Barnes and Tucker offered the following resolution from the floor:

Senate Resolution No. 68—Recognizing the importance of Corridor H and those who have been working hard toward its completion.

Whereas, Interstate 79 in West Virginia and Interstate 81 in Virginia are separated by 150 miles; and

Whereas, These two highways are major conduits for interstate commerce; and

Whereas, Portions of West Virginia through which Corridor H passes realize a significant benefit from interstate transactions in wood products, poultry production and energy resources; and

Whereas, The magnitude of this economic impact is expected to grow as additional sections of Corridor H are completed; and

Whereas, Providing greater access to corridors for interstate transportation is frequently cited as a prerequisite to additional job creation and economic development in West Virginia; and

Whereas, Those businesses operating in the Appalachian Highland areas of West Virginia will realize a greater market share in the energy, agricultural, manufacturing and natural resources industries as a result of the greater access to international markets that will be provided once Corridor H is completed; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the importance of Corridor H and those who have been working hard toward its completion; and, be it

Further Resolved, That the Senate acknowledges the continued economic vitality that Corridor H brings to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Corridor H.

At the request of Senator Barnes, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order, which agenda includes the making of main motions.

On motion of Senator Unger, the Senate requested the return from the House of Delegates of

Eng. Senate Bill No. 108, Creating Unintentional Pharmaceutical Drug Overdose Fatality Review Team.

Passed by the Senate on yesterday, Thursday, April 11, 2013,

The bill still being in the possession of the Senate,

On motion of Senator Unger, the Senate reconsidered the vote as to the passage of the bill.

The vote thereon having been reconsidered,

On motion of Senator Unger, the Senate reconsidered its action by which it adopted Senator Unger's motion that the Senate concur in the House of Delegates amendments to the bill (*shown in the Senate Journal of yesterday, Thursday, April 11, 2013, pages 1468 through 1472, inclusive*).

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Unger's motion that the Senate concur in the House of Delegates amendments to the bill.

At the request of Senator Unger, and by unanimous consent, his foregoing motion was withdrawn.

Thereafter, on motion of Senator Unger, the Senate refused to concur in the House amendments to the bill (Eng. S. B. No. 108) and requested the House of Delegates to recede therefrom.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 63, Recognizing July 16 as "Atomic Veterans Day of Remembrance".

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Military.

Senate Concurrent Resolution No. 64, Requesting DOH name portion of County Route 15 in Mercer County “River Road Music Heritage Trail”.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution No. 65, Designating West Virginia as Purple Heart State.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Government Organization.

Senate Concurrent Resolution No. 66, Requesting Joint Committee on Government and Finance study insurance rates.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Rules.

Senate Concurrent Resolution No. 67, Urging Congress support funding and completion of Coalfields Expressway and King Coal Highway.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill No. 665, Expiring funds from State Fund, General Revenue, and making supplementary appropriation to Attorney General and DHHR, Consolidated Medical Service Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 665) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 665) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2046, Requiring wireless telecommunications companies to release location information of a missing person's cell phone in a timely manner; the "Kelsey Smith Act".

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2046) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2046—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-3-10, relating to requiring wireless telecommunications carriers to provide location information to law-enforcement agencies in emergencies; permitting wireless communications carriers to establish protocols for disclosure of location information in an emergency; limiting liability of wireless communications carriers when acting in good faith; requiring wireless telecommunications carriers and resellers to provide emergency contact information; requiring the West Virginia State Police to maintain emergency contact database; and granting rule-making authority.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2351, Authorizing law enforcement to issue a charge by citation when making an arrest for driving with a suspended or revoked license.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2351) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2357, Relating to sexting by minors.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins,

Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2357) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2357—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-5-13g; and to amend said code by adding thereto a new section, designated §61-8C-3b, all relating to relating to juvenile proceedings; proscribing juveniles from manufacturing, possessing and distributing nude or partially nude images of minors; declaring a violation to be an act of juvenile delinquency and providing for the punishment thereof; authorizing the development of an educational diversion program for minors engaged in delinquent offenses associated with sexting and related offenses; delineation of sexting and associated offenses; providing for the establishment of a specialized diversion program by the West Virginia Supreme Court of Appeals for sexting by minors and associated offenses; suggested scope and topics to be included in such specialized diversion program; providing for the participation in the diversion program as a part of a pre-petition diversion and informal resolution in advance of a filed petition, as part of a required counseling plan, or as part of an improvement period requirement established in advance of adjudication; consideration of successful completion of specialized diversion program on first offense and subsequent offenses; and allowing for court discretion as to whether adjudicated juvenile should be required to register

as a sex offender as a result of adjudication as status offender for sexting and related offenses.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2399, Protecting livestock in dire or extreme condition.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2399) passed.

The following amendment to the title of the bill, from the Committee on Agriculture and Rural Development, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2399—A Bill to repeal §19-18-4, §19-18-5, §19-18-6, §19-18-7, §19-18-8, §19-18-9, §19-18-10, §19-18-11 and §19-18-12 of the Code of West Virginia, as amended; to amend and reenact §19-1C-4 of said code; and to amend and reenact §19-18-1, §19-18-2 and §19-18-3 of said code, all relating generally to livestock; permitting the Livestock Care

Standards Board to create procedures to address the inhumane treatment of livestock; prohibiting livestock from trespassing; clarifying damages that may be recovered; permitting containment of livestock; requiring notification of owner of trespassing livestock; requiring containment costs be negotiated and recovered in court; permitting the sheriff to take possession of unclaimed livestock; permitting unclaimed livestock be sold at auction; setting forth the distribution of auction proceeds; and establishing misdemeanor penalties.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2431, Modifying the application process for obtaining a state license to carry a concealed deadly weapon.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on yesterday, Thursday, April 11, 2013, for further amendments to be received on third reading, was reported by the Clerk.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §61-7-4 and §61-7-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-4. License to carry deadly weapons; how obtained.

(a) Except as provided in subsection (h) of this section, any person desiring to obtain a state license to carry a concealed deadly

weapon shall apply to the sheriff of his or her county for the license, and shall pay to the sheriff, at the time of application, a fee of \$75, of which \$15 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. Concealed weapons permits may only be issued for pistols or revolvers. Each applicant shall file with the sheriff a complete application, as prepared by the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only the following licensing requirements:

(1) The applicant's full name, date of birth, Social Security number, a description of the applicant's physical features, the applicant's place of birth, the applicant's country of citizenship and, if the applicant is not a United States citizen, any alien or admission number issued by the United States Bureau of Immigration and Customs enforcement, and any basis, if applicable, for an exception to the prohibitions of 18 U. S. C. §922(g)(5)(B);

(2) That, on the date the application is made, the applicant is a bona fide resident of this state and of the county in which the application is made and has a valid driver's license or other state-issued photo identification showing the residence;

(3) That the applicant is twenty-one years of age or older: *Provided*, That any individual who is less than twenty-one years of age and possesses a properly issued concealed weapons license as of the effective date of this article shall be licensed to maintain his or her concealed weapons license notwithstanding the provisions of this section requiring new applicants to be at least twenty-one years of age: *Provided, however*; That upon a showing of any applicant who is eighteen years of age or older that he or she is required to carry a concealed weapon as a condition for employment, and presents satisfactory proof to the sheriff thereof, then he or she shall be issued a license upon meeting all other conditions of this section. Upon discontinuance of employment that requires the concealed weapons license, if the individual issued the license is not yet twenty-one years of age, then the individual issued the

license is no longer eligible and must return his or her license to the issuing sheriff;

(4) That the applicant is not addicted to alcohol, a controlled substance or a drug and is not an unlawful user thereof as evidenced by either of the following within the three years immediately prior to the application:

(A) Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug treatment; or

(B) Two or more convictions for driving while under the influence or driving while impaired;

(5) That the applicant has not been convicted of a felony ~~or of an act of a misdemeanor crime of violence involving the misuse of a deadly weapon within the five years immediately preceding the application~~ unless the conviction has been expunged or set aside or the applicant's civil rights have been restored or the applicant has been unconditionally pardoned for the offense;

(6) That the applicant has not been convicted of a misdemeanor crime of violence other than an offense set forth in subsection (7) of this section in the five years immediately preceding the application.

~~(6)~~ (7) That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U. S. C. §921(a)(33), or a misdemeanor offense of assault or battery either under the provisions of section twenty-eight, article two of this chapter or the provisions of subsection (b) or (c), section nine, article two of this chapter in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense, or a misdemeanor offense with similar essential elements in a jurisdiction other than this state;

(7) (8) That the applicant is not under indictment for a felony offense or is not currently serving a sentence of confinement, parole, probation or other court-ordered supervision imposed by a court of any jurisdiction or is the subject of an emergency or temporary domestic violence protective order or is the subject of a final domestic violence protective order entered by a court of any jurisdiction;

(8) (9) That the applicant has not been adjudicated to be mentally incompetent or involuntarily committed to a mental institution. If the applicant has been adjudicated mentally incompetent or involuntarily committed the applicant must provide a court order reflecting that the applicant is no longer under such disability; and the applicant's right to possess or receive a firearm has been restored.

(9) (10) That the applicant has qualified under the minimum requirements set forth in subsection (d) of this section for handling and firing the weapon: *Provided*, That this requirement shall be waived in the case of a renewal applicant who has previously qualified; and

(10) (11) That the applicant authorizes the sheriff of the county, or his or her designee, to conduct an investigation relative to the information contained in the application.

(b) For both initial and renewal applications, the sheriff shall conduct an investigation including a nationwide criminal background check consisting of checking inquiries of the National Instant Criminal Background Check System, and the West Virginia criminal history record responses and the National Interstate Identification Index and shall review the information received in order to verify that the information required in subsection (a) of this section is true and correct.

(c) Sixty dollars of the application fee and any fees for replacement of lost or stolen licenses received by the sheriff shall

be deposited by the sheriff into a Concealed Weapons License Administration Fund. The fund shall be administered by the sheriff and shall take the form of an interest-bearing account with any interest earned to be compounded to the fund. Any funds deposited in this Concealed Weapon License Administration Fund are to be expended by the sheriff to pay for the costs associated with issuing concealed weapons licenses. Any surplus in the fund on hand at the end of each fiscal year may be expended for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff may consider appropriate.

(d) All persons applying for a license must complete a training course in handling and firing a handgun. The successful completion of any of the following courses fulfills this training requirement:

(1) Any official National Rifle Association handgun safety or training course;

(2) Any handgun safety or training course or class available to the general public offered by an official law-enforcement organization, community college, junior college, college or private or public institution or organization or handgun training school utilizing instructors duly certified by the institution;

(3) Any handgun training or safety course or class conducted by a handgun instructor certified as such by the state or by the National Rifle Association;

(4) Any handgun training or safety course or class conducted by any branch of the United States Military, Reserve or National Guard or proof of other handgun qualification received while serving in any branch of the United States Military, Reserve or National Guard.

Current members of the United States Military, Reserve or National Guard or persons with an honorable discharge from any branch of the United States Military who apply, after the effective

date of the amendments to this section enacted during the 2013 regular session of the Legislature, for a license under this section are exempt from the payment of any fees required by this section, but are subject to the remaining licensing requirements of this section.

A photocopy of a certificate of completion of any of the courses or classes or an affidavit from the instructor, school, club, organization or group that conducted or taught said course or class attesting to the successful completion of the course or class by the applicant or a copy of any document which shows successful completion of the course or class shall constitute evidence of qualification under this section.

(e) All concealed weapons license applications must be notarized by a notary public duly licensed under article four, chapter twenty-nine of this code. Falsification of any portion of the application constitutes false swearing and is punishable under the provisions of section two, article five, chapter sixty-one of this code.

(f) The sheriff shall issue a license unless he or she determines that the application is incomplete, that it contains statements that are materially false or incorrect or that applicant otherwise does not meet the requirements set forth in this section. The sheriff shall issue, reissue or deny the license within forty-five days after the application is filed if all required background checks authorized by this section are completed.

(g) Before any approved license shall be issued or become effective, the applicant shall pay to the sheriff a fee in the amount of \$25 which the sheriff shall forward to the Superintendent of the West Virginia State Police within thirty days of receipt. The license shall be valid for five years throughout the state, unless sooner revoked.

(h) Each license shall contain the full name and address of the licensee and a space upon which the signature of the licensee shall

be signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and the license card is considered a license for the purposes of this section.

(i) The Superintendent of the West Virginia State Police shall prepare uniform applications for licenses and license cards showing that the license has been granted and shall do any other act required to be done to protect the state and see to the enforcement of this section.

(j) If an application is denied, the specific reasons for the denial shall be stated by the sheriff denying the application. Any person denied a license may file, in the circuit court of the county in which the application was made, a petition seeking review of the denial. The petition shall be filed within thirty days of the denial. The court shall then determine whether the applicant is entitled to the issuance of a license under the criteria set forth in this section. The applicant may be represented by counsel, but in no case may the court be required to appoint counsel for an applicant. The final order of the court shall include the court's findings of fact and conclusions of law. If the final order upholds the denial, the applicant may file an appeal in accordance with the Rules of Appellate Procedure of the Supreme Court of Appeals.

(k) If a license is lost or destroyed, the person to whom the license was issued may obtain a duplicate or substitute license for a fee of \$5 by filing a notarized statement with the sheriff indicating that the license has been lost or destroyed.

(l) Whenever any person after applying for and receiving a concealed handgun license moves from the address named in the application to another county within the state, the license remains valid for the remainder of the five years: *Provided*, That the licensee

within twenty days thereafter notifies the sheriff in the new county of residence in writing of the old and new addresses.

(m) The sheriff shall, immediately after the license is granted as aforesaid, furnish the Superintendent of the West Virginia State Police a certified copy of the approved application. The sheriff shall furnish to the Superintendent of the West Virginia State Police at any time so requested a certified list of all licenses issued in the county. The Superintendent of the West Virginia State Police shall maintain a registry of all persons who have been issued concealed weapons licenses.

(n) Except when subject to an exception under section six, article seven of this chapter, all licensees must carry with them a state-issued photo identification card with the concealed weapons license whenever the licensee is carrying a concealed weapon. Any licensee who, in violation of this subsection, fails to have in his or her possession a state-issued photo identification card and a current concealed weapons license while carrying a concealed weapon is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.

(o) The sheriff shall deny any application or revoke any existing license upon determination that any of the licensing application requirements established in this section have been violated by the licensee.

(p) A person who is engaged in the receipt, review or in the issuance or revocation of a concealed weapon license does not incur any civil liability as the result of the lawful performance of his or her duties under this article.

(q) Notwithstanding the provisions of subsection (a) of this section, with respect to application by a former law-enforcement officer honorably retired from agencies governed by article fourteen, chapter seven of this code; article fourteen, chapter eight of this code; article two, chapter fifteen of this code; and article

seven, chapter twenty of this code, an honorably retired officer is exempt from payment of fees and costs as otherwise required by this section. All other application and background check requirements set forth in this shall be applicable to these applicants.

(r) Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a concealed weapon permit issued in accordance with the provisions of this section authorizes the holder of the permit to carry a concealed pistol or revolver on the lands or waters of this state.

§61-7-7. Persons prohibited from possessing firearms; classifications; reinstatement of rights to possess; offenses; penalties.

(a) Except as provided in this section, no person shall possess a firearm, as such is defined in section two of this article, who:

(1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(2) Is habitually addicted to alcohol;

(3) Is an unlawful user of or habitually addicted to any controlled substance;

(4) Has been adjudicated ~~as a mental defective~~ to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of chapter twenty-seven of this code or in similar law of another jurisdiction: *Provided*, That once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession: *Provided, however*, That the mental hygiene commissioner or circuit judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

(5) Is an alien illegally or unlawfully in the United States;

(6) Has been discharged from the armed forces under dishonorable conditions;

(7) Is subject to a domestic violence protective order that:

(A) Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

(B) Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C) (i) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(8) Has been convicted of a misdemeanor offense of assault or battery either under the provisions of section twenty-eight, article two of this chapter or the provisions of subsection (b) or (c), section nine of said article or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

Any person who violates the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be

fined not less than \$100 nor more than \$1,000 or confined in the county jail for not less than ninety days nor more than one year, or both.

(b) Notwithstanding the provisions of subsection (a) of this section, any person:

(1) Who has been convicted in this state or any other jurisdiction of a felony crime of violence against the person of another or of a felony sexual offense; or

(2) Who has been convicted in this state or any other jurisdiction of a felony controlled substance offense involving a Schedule I controlled substance other than marijuana, a Schedule II or a Schedule III controlled substance as such are defined in sections two hundred four, two hundred five and two hundred six, article two, chapter sixty-a of this code and who possesses a firearm as such is defined in section two of this article shall be guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not more than five years or fined not more than \$5,000, or both. The provisions of subsection (c) of this section shall not apply to persons convicted of offenses referred to in this subsection or to persons convicted of a violation of this subsection.

(c) Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: *Provided*, That a person prohibited from possessing a firearm by the provisions of subdivision (4), subsection (a) of this section may petition to regain the ability to possess a firearm in accordance with the provisions of section five, article seven-a of this chapter.

(d) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

On motion of Senator Wells, the following amendment to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. No. 2431) was next reported by the Clerk and adopted:

On pages six and seven, section four, subsection (d), subdivision (4), by striking out the following:

Current members of the United States military, reserve or National Guard or persons with an honorable discharge from any branch of the United States military who apply, after the effective date of the amendments to this section enacted during the 2013 regular session of the Legislature, for a license under this section are exempt from the payment of any fees required by this section, but are subject to the remaining licensing requirements of this action.

The question now being on the adoption of the Judiciary committee amendment, as amended, the same was put and prevailed.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 2431) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2431) passed.

At the request of Senator Palumbo, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

On motion of Senator Wells, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2431—A Bill to amend and reenact §61-7-2 and §61-7-7 of the Code of West Virginia, 1931, as amended, all relating to the process for obtaining a state license to carry a concealed deadly weapon; conforming state licensure law to meet federal “Brady Exemption” requirements; clarifying certain restrictions and prohibitions; clarifying effect of expungement, pardons or reversal of prior offenses on permit applications; clarifying training and certification requirements; and clarifying background check requirements.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2453, Expanding the Amber Alert Plan; “SKYLAR’S LAW”.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins,

Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2453) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2453—A Bill to amend and reenact §15-3A-4 of the Code of West Virginia, 1931, as amended, relating to activating the Amber Alert Plan; requiring a reporting law-enforcement agency to report a suspected missing or abducted child to the West Virginia State Police in the initial stages of investigation; and requiring the West Virginia State Police to contact the Amber Alert Coordinator for a determination as to whether Amber Alert criteria has been satisfied.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2505, Increasing civil penalties imposed by the Public Service Commission for pipeline safety violations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins,

Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2505) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill No. 2508, Changing the capital investment threshold amount.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2508) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2508) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2512, Reforming the state Medicaid subrogation statute.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2512) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2514, Lowering the total amount of tax credits available under the Film Industry Investment Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2514) passed.

The following amendment to the title of the bill, from the Committee on Finance, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2514—A Bill to amend and reenact §11-13X-5 of the Code of West Virginia, 1931, as amended, relating to lowering the total amount of tax credits available in a given fiscal year under the Film Industry Investment Act.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 2516, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2516) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2516) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2519, Relating to reallocation and repatriation of certain funds to the General Revenue Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2519) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2519) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2548, Increasing the criminal penalties for assaults and batteries against athletic officials.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2548) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2554, Providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2554) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2554—A Bill to amend and reenact §31D-15-1532 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §31D-15-1533; to amend and reenact §31E-14-1432 of said code; to amend said code by adding thereto a new section, designated §31E-14-1533; and to amend and reenact §59-1-2 of said code, all relating to providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations after an administrative revocation; providing for contents of application; providing for effective date of reinstatement; providing for appeal from denial of reinstatement; providing that reinstatement fee is the same for foreign and domestic limited liability companies and foreign and domestic corporations; and establishing a fee for additional parties to a merger when filing articles of merger.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2579, Revising state water quality standard for Selenium.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2579) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2579—A Bill to amend and reenact §22-11-6 of the Code of West Virginia, 1931, as amended, relating to protecting state waters; providing legislative findings; acknowledging the scientific uncertainty regarding the applicability of the current selenium standard in this state; directing the secretary to develop an implementation plan within certain time period for selenium discharges in certain situations; requiring certain minimum requirements in implementation plan; requiring secretary to promulgate legislative rule within certain time period which establishes a state-specific selenium standard; requiring secretary to submit state-specific selenium standard to EPA administrator; and directing secretary to consult with and solicit research and data from certain groups in developing selenium standard.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 2586, Relating to qualifications for a license to practice embalming.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2586) passed.

The following amendment to the title of the bill, from the Committee on Government Organization was reported by the Clerk and adopted:

Eng. House Bill No. 2586—A Bill to amend and reenact §30-6-8 of the Code of West Virginia, 1931, as amended, relating to qualifications for a license to practice embalming; and clarifying the education, apprentice and examination requirements.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2586) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2603, Relating to the Family Protection Services Board.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2603) passed.

At the request of Senator Snyder, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the title of the bill was withdrawn.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2603—A Bill to repeal §48-26-404, §48-26-405, §48-26-601, §48-26-602, §48-26-901, §48-26-902, §48-26-1003, §48-26-1005, §48-26-1006 and §48-26-1007 of the Code of West Virginia, 1931, as amended; to amend and reenact §48-26-202, §48-26-203, §48-26-204, §48-26-205, §48-26-206, §48-26-301, §48-26-401, §48-26-402, §48-26-403, §48-26-406, §48-26-603, §48-26-604, §48-26-701, §48-26-1001, §48-26-1002 and §48-26-1004 of said code; and to amend said code by adding thereto nine new sections, designated §48-26-207, §48-26-208, §48-26-209, §48-26-210, §48-26-211, §48-26-212, §48-26-213, §48-26-214 and §48-26-408, all relating to the Family Protection Services Board; revising definitions; adding definitions; revising qualifications for membership on the board; adding two new members to the board; clarifying that the two ex officio members have voting privileges; prohibiting certain persons from serving on the board at the same time as certain other persons; providing for appointments for unexpired terms of board members; providing appointments for members who become disqualified; clarifying and expanding the board's powers and duties; requiring board to submit annual report to Governor and Joint Committee on Government and Finance; authorizing legislative rules; increasing the percentage of board funds that may be used for administrative functions; authorizing the board to develop formulas to direct funds to certain programs; prohibiting programs from falsely representing that they are licensed; authorizing the board to develop preliminary and full application forms; requiring board to respond in writing within certain time after receiving preliminary and full applications; providing for conditional, provisional and full licenses; allowing certain entities to provide support to programs in certain situations; authorizing the board to issue licenses for up to three years; updating provisions related to the closure of programs; authorizing the board to issue notices to cease and desist and seek injunctive relief in certain situations; setting forth procedures for hearings and appeals; clarifying the uses of the Domestic Violence Legal

Services Fund; requiring programs to report annually to the board; updating confidentiality protections for programs participants; updating provisions related to monitored parenting and exchange programs; providing that judges and magistrates may order persons to participate in a monitored parenting and exchange program; and allowing monitored parenting and exchange programs to receive referrals.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2603) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2608, Requiring appraisal management companies to be registered.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins,

Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2608) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2626, Authorizing the Department of Military Affairs and Public Safety to promulgate Legislative Rules.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, April 11, 2013, for further amendments to be received on third reading, was reported by the Clerk.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 2626), as amended on yesterday, Thursday, April 11, 2013, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2626) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2626) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2762, Creating an exemption from licensure as an adjuster for certain individuals who conduct data entry into an automated claims adjudication system.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell,

Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2762) passed.

The following amendment to the title of the bill, from the Committee on Banking and Insurance, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2762—A Bill to amend and reenact amend and reenact §33-12B-1 and §33-12B-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-12B-4a, all relating to insurance; licensure of insurance adjusters; definitions, including a definition of “automated claims adjudication system”; providing exemptions for certain individuals from adjuster licensure in this state; and providing that a resident of Canada may be licensed as a nonresident adjuster if that person has obtained a resident or home state adjuster license in another state.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2806, Relating to administrative remedies for prisoners generally.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2806) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2806—A Bill to amend and reenact §25-1A-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §25-1A-2a, all relating to requiring that a prisoner first exhaust administrative remedies prior to resorting to litigation; defining ordinary administrative remedies; authorizing the Commissioner of Corrections and the Executive Director of the Regional Jail Authority to each establish procedures for ordinary administrative remedies; setting forth when a remedy is considered exhausted; setting and computing time periods for issuance of final decision; providing exceptions for when an agency may not obtain an extension of time to issue a final decision; defining sexual assault and sexual abuse; providing that no staff member who is the subject of the complaint may be involved in reviewing or hearing the grievance; permitting certain third parties to assist inmates in filing requests for administrative remedies; providing time for an initial response and final decision; directing proposal of rules for legislative approval by the commissioner and director relating to an allegation of imminent violence; permitting discipline of inmate

if grievance filed in bad faith; permitting inmate to file certain court actions; and providing that inmate pay filing costs if civil or criminal action is dismissed as frivolous.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2819, Relating to the financial oversight of entities regulated by the Insurance Commissioner.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2819) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2866, Providing an exception to allow a resident of a dwelling house to discharge a firearm in a lawful manner within five hundred feet.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2866) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2913, Specifying procedures for adjusting payments to correct for an erroneous distribution of moneys dedicated, distributed or directed to a state or local governmental subdivision.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2913) passed.

The following amendment to the title of the bill, from the Committee on Finance, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2913—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-26, relating to correction of certain erroneous distributions, transfers, allocations, overpayments or underpayments; specifying immunity of agencies, subdivisions and instrumentalities of this state from any fine, penalty, assessment or imposition as a result of, or attributable to the erroneous distribution, transfer, allocation, overpayment or underpayment of moneys; specifying when discovery and distribution have occurred; and specifying that provisions shall not be applied to alter, abrogate or terminate any current and ongoing agreement or arrangement in operation on the effective date.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2960, Providing for internal and external review of adverse health coverage determinations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2960) passed.

The following amendment to the title of the bill, from the Committee on Banking and Insurance, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2960—A Bill to repeal §33-25C-5, §33-25C-6, §33-25C-7, §33-25C-9 and §33-25C-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §33-16H-1, §33-16H-2, §33-16H-3 and §33-16H-4, all relating to requiring health plan issuers to develop processes for utilization review, to develop internal grievance procedures, and to make external review available with respect to all adverse determinations; mandating utilization review and internal grievance procedures; providing for external review of adverse determinations; defining terms; providing for judicial review of certain decisions; providing for venue of judicial review; providing for continued benefits pending judicial review; providing for an award of attorneys fees; providing no new causes of action; preserving existing causes of action; repealing similar provisions applicable to only health maintenance organizations; and directing proposal of legislative rules.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 2968, Authorizing the use of an additional medium for use in archiving the records.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2968) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 3135, Relating generally to voting system certification and procedures at the central counting center.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 3135) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 3135—A Bill to amend and reenact §3-4A-2, §3-4A-8, §3-4A-23 and §3-4A-27 of the Code of West Virginia, 1931, as amended, all relating generally to electronic voting systems; updating and clarifying the definitions related to electronic voting systems; defining terms; adjusting requirements related to approval of electronic voting systems; increasing the time within which the State Election Commission must appoint certain computer experts; correcting internal code references; updating and clarifying language related to proceedings at the central counting center; and making other technical clarifications.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Unger, and by unanimous consent, the Senate returned to the sixth order of business, which agenda includes the making of main motions.

On motion of Senator Unger, the Senate requested the return from the House of Delegates of

Eng. House Bill No. 2968, Authorizing the use of an additional medium for use in archiving the records.

Passed by the Senate in prior proceedings today,

The bill still being in the possession of the Senate,

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2968) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

On motion of Senator Unger, the Senate recessed until 2 p.m. today.

Upon expiration of the recess, the Senate reconvened and, without objection, returned to the third order of business.

A message from The Clerk of the House of Delegates announced that that body had refused to recede from its amendments, and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Senate Bill No. 108, Creating Unintentional Pharmaceutical Drug Overdose Fatality Review Team.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Perdue, Perry and Ellington.

On motion of Senator Unger, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Kessler (Mr. President) appointed the following conferees on the part of the Senate:

Senators Jenkins, Kirkendoll and Sypolt.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 243, Authorizing DEP promulgate legislative rules.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION TO PROMULGATE LEGISLATIVE RULES.

§64-3-1. Department of Environmental Protection.

(a) The legislative rule filed in the State Register on August 30, 2012, authorized under the authority of section twenty-nine, article fifteen-a, chapter twenty-two of this code, modified by the

Department of Environmental Protection to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 13, 2012, relating to the Department of Environmental Protection (covered electronic devices recycling, 33 CSR 12), is authorized with the following amendment:

On page two, paragraph 4.1.b.1., by striking out all of paragraph 4.1.b.1. and inserting in lieu thereof a new paragraph 4.1.b.1., to read as follows:

4.1.b.1. Within one year after the effective date of this rule, receiving, storage, operations and shipping areas must be under a roof or in an enclosed area sufficient to prevent stormwater contamination.

(b) The legislative rule filed in the State Register on August 24, 2012, authorized under the authority of section seventeen, article eighteen, chapter twenty-two of this code, relating to the Department of Environmental Protection (hazardous waste administrative proceedings and civil penalty assessment, 33 CSR 27), is authorized.

(c) The legislative rule filed in the State Register on September 4, 2012, authorized under the authority of section six, article six-a, chapter twenty-two of this code, modified by the Department of Environmental Protection to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on February 14, 2013, relating to the Department of Environmental Protection (horizontal well development, 35 CSR 8), is authorized with the following amendments:

On page two, after subsection 2.12., by inserting a new subsection 2.13. to read as follows:

2.13. "Health care professional" means a physician, physician assistant, nurse practitioner, registered nurse, or emergency medical technician licensed by the State of West Virginia.

And renumbering the remaining subsections;

And,

On page 10, Section 5.6.e., line 1 and 2, by deleting the sentence that reads, “A copy of the approved Water Management Plan shall be available upon request.” and inserting in lieu thereof the following:

“Signage shall be posted at each water withdraw site that provides how to obtain the Water Management Plan, the phone number of the company conducting the withdraw, the Office’s web site name and phone number, and the permit number.”

And,

On page 10, subsection 5.7.a, line 5, following the words “is sought,” by inserting the words “the anticipated MSDS Sheets, and”

And,

On page 10, subsection 5.7.1, line 12, following the words “emergency services.” by inserting the following:

“The operator shall also provide the Well Site Safety Plan to the surface owner and any water purveyor or surface owner subject to notice and water testing as provided in subsection 15 of this rule.

And,

On page 19, Section 9.1.b.2, line 3, following the words “will be utilized” by striking out the period and inserting a comma and the following:

“and the telephone number for the Department of Environmental Protection.”

And,

On pages 23 and 24, by striking out all of subsection 10.1. and inserting in lieu thereof a new subsection 10.1. to read as follows:

10.1. Well Records Made During Permitted Work - The well operator or its contractor (service provider, drilling contractor or other contractor, as appropriate) shall keep at the well location a copy of the application as permitted, including the associated plat and plans required by section 5 of this rule. The well operator or its contractor (service provider, drilling contractor or other contractor, as appropriate) shall also make and preserve at the well location accurate records of all well work performed pursuant to the permit, including documentation by the contractor or person performing the cementing services of the time of completion of cementing and the volume of cement used for the cementing of all casing operations. The records shall be complete enough to support, as applicable, the entries of well work done and related data on Form WR-35, "Well Operator's Report of Well Work", Form WR-36, "Well Operator's Report of Initial Gas-Oil Ratio Test", and Form WR-38, "Affidavit of Plugging and Filling Well", but these forms shall reflect information discovered or changes made after the permitted well work has been finished and before the reports are filed. The records made and preserved at the well location and the recordings made on Form WR-35 shall include, but not be limited to, indications of caverns, open mines or other voids, whether the freshwater casing cement circulated to the surface, and the efforts made to fill the annular space and the results. Unless the records of well work performed are prepared by the well operator or owner, a copy of all the records shall be delivered to the well owner or operator, except for those records the contractor (service provider, drilling contractor or other contractor, as appropriate) designates as a confidential trade secret.

10.1.a. As part of the well completion report (Form WR-35), the operator or its service provider shall list all the additives used in the hydraulic fracturing or stimulation process, including each

additive's specific trade name, supplier, and purpose. The operator or its service provider shall also list each chemical of each additive intentionally added to a base fluid for the purpose of preparing a fracturing fluid, along with each chemical's CAS registry number, if applicable, its maximum concentration in the additive, and its maximum concentration as added to the base fluid, and the volume of the base fluid used. The concentrations shall be expressed as a mass percent. The operator or service provider may designate the information regarding the specific identity or concentration or both of a chemical as a confidential trade secret not to be disclosed to the agency or anyone else except in the event of an investigation by the office, medical emergency, or for diagnostic or treatment purposes involving the designated chemical, pursuant to subdivisions 10.1.d. and 10.1.e. below.

10.1.b. The operator or service provider shall fulfill the additive reporting requirement of subdivision 10.1.a. above by submitting the information to the office and the FracFocus Chemical Disclosure Registry.

10.1.c. As part of the well completion report (Form WR-35), the operator shall report the volumes of fluids pumped and treatment pressures recorded throughout the hydraulic fracturing process.

10.1.d. In the event of an investigation by the office involving a chemical designated as a confidential trade secret, the operator or service provider shall provide the specific identity of the chemical, the concentration of the chemical, or both the specific identity and concentration of the chemical, as needed, to the agency upon receipt of notification from the chief or his or her designee stating that such information is necessary in connection with an investigation by the office. Upon receipt of such notification of need, such information shall be disclosed by the operator or service provider, as applicable, directly to the chief or his or her designee and shall in no way be construed as publicly available. The chief or designee may disclose information regarding the specific

identity of a chemical, the concentration of a chemical, or both the specific identity and concentration of a chemical claimed to be a confidential trade secret to additional agency staff members to the extent that such disclosure is necessary to allow the agency staff member receiving the information to assist in such an investigation by the office, provided that such individuals shall not disseminate the information further and such information shall at all times be considered confidential and shall not be construed as publicly available. Upon request by the operator or service provider, and where a notification of need is provided orally, the chief shall execute a written statement of need indicating that the information was necessary in connection with an investigation by the office.

10.1.e. The operator or service provider shall provide the specific identity of a chemical designated as a confidential trade secret, the concentration of the chemical designated as a confidential trade secret, or both the specific identity and concentration of the chemical designated as a confidential trade secret, as needed, upon request to a health care professional in a medical emergency, or for diagnostic or treatment purposes. The health care professional shall only use the information provided by the operator or service provider for diagnosis or treatment of an individual, and the operator or service provider may provide notice to the health care professional at the time of release of the information, that the information provided is solely for diagnosis or treatment of the individual, that the information may be a trade secret, and disclosure to others for any other purpose may subject that health care professional to a legal action by the operator or service provider for violating its trade secret.”

And,

On page 30, by striking out all of subsection 13.5.”

(d) The legislative rule filed in the State Register on August 15, 2012, authorized under the authority of section four, article

five, chapter twenty-two of this code, relating to the Department of Environmental Protection (permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality, 45 CSR 14), is authorized.

(e) The legislative rule filed in the State Register on August 14, 2012, authorized under the authority of section four, article five, chapter twenty-two of this code, relating to the Department of Environmental Protection (standards of performance for new stationary sources, 45 CSR 16), is authorized.

(f) The legislative rule filed in the State Register on August 15, 2012, authorized under the authority of section four, article five, chapter twenty-two of this code, relating to the Department of Environmental Protection (control of air pollution from combustion of solid waste, 45 CSR 18), is authorized.

(g) The legislative rule filed in the State Register on August 15, 2012, authorized under the authority of section four, article five, chapter twenty-two of this code, relating to the Department of Environmental Protection (control of air pollution from hazardous waste treatment, storage or disposal facilities, 45 CSR 25), is authorized.

(h) The legislative rule filed in the State Register on August 15, 2012, authorized under the authority of section four, article five, chapter twenty-two of this code, relating to the Department of Environmental Protection (requirements for operating permits, 45 CSR 30), is authorized.

(i) The legislative rule filed in the State Register on August 15, 2012, authorized under the authority of section four, article five, chapter twenty-two of this code, relating to the Department of Environmental Protection (emission standards for hazardous air pollutants, 45 CSR 34), is authorized.

(j) The legislative rule filed in the State Register on August 30, 2012, authorized under the authority of section ten, article

eleven, chapter twenty-two of this code, relating to the Department of Environmental Protection (water pollution control permit fee schedules, 47 CSR 26), is authorized.

(k) The legislative rule filed in the State Register on August 28, 2012, authorized under the authority of section four, article eleven, chapter twenty-two of this code, relating to the Department of Environmental Protection (WV/NPDES regulations for coal mining facilities, 47 CSR 30), is authorized.

On motion of Senator Unger, the Senate refused to concur in the foregoing House amendment to the bill (Eng. Com. Sub. for S. B. No. 243) and requested the House of Delegates to recede therefrom.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 265, Authorizing DHHR promulgate legislative rules.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-5-1. Bureau for Public Health.

(a) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section four, article one, chapter sixteen, of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 10, 2013, relating to the Department of Health and Human Resources (reportable diseases, events and conditions, 64 CSR 7), is authorized with the following amendments:

On page twenty-four, subsection 9.1., by striking out the words “the reporting” and inserting in lieu thereof the words “the access”;

On page twenty-five, subsection 9.2., by striking out the words “be reported” and inserting in lieu thereof the words “be made available”;

On page twenty-five, subsection 9.2., by striking out the words “the reporting” and inserting in lieu thereof the words “the access”;

On page twenty-five, subsection 9.2., after the word “activities” by inserting the following: “consistent with the mission of the bureau. The responsibility for communication with healthcare facilities regarding data collection, data quality and completeness rests with the Office of Epidemiology and Prevention Services within the Bureau for Public Health”;

And,

On page twenty-five, by striking out all of subsection 9.3. and renumbering the remaining subsection.

(b) The legislative rule filed in the State Register on June 29, 2012, authorized under the authority of section four, article one, chapter sixteen, of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 15, 2012, relating to the Department of Health and Human Resources (general sanitation, 64 CSR 18), is authorized with the following amendment:

On page three, subdivision 2.13, by removing the period and inserting the following, “Bed and Breakfast Inn.”

(c) The legislative rule filed in the State Register on August 27, 2012, authorized under the authority of section five, article seven, chapter sixteen, of this code, relating to the Department of Health and Human Resources (Grade A pasturized milk, 64 CSR 34), is authorized with the following amendment:

On page four, subdivision 2.1.i.1, by striking everything after the word “sold” and inserting in lieu thereof the following: “Unpasteurized milk produced in West Virginia may be sold, provided that said unpasteurized milk is conspicuously labeled as ‘Unpasteurized Raw WV Milk’.”

(d) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section one, article eleven, chapter sixteen, of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review committee and refiled in the State Register on January 10, 2013, relating to the Department of Health and Human Resources (fees for services, 64 CSR 51), is authorized with the following amendment:

On page eleven, subdivision 9.7, after the word “emergency”, by inserting a period and removing the underscored words “or as a relevant factor associated with the provision of services and may include but is not limited to, supply shortages, federal or other

funding restrictions of policy changes impacting the ability to provide services”.

(e) The legislative rule filed in the State Register on October 11, 2012, authorized under the authority of section four, article one, chapter sixteen, of this code, relating to the Department of Health and Human Resources (regulation of opioid treatment programs, 64 CSR 90), is repealed.

(f) The legislative rule filed in the State Register on August 27, 2012, authorized under the authority of section four, article one, chapter sixteen, of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 10, 2013, relating to the Department of Health and Human Resources (pulse oximetry newborn testing, 64 CSR 100), is authorized with the following amendment:

On page two, subdivision 5.3, by striking out the words “the closest” and inserting in lieu thereof the word “an”.

§64-5-2. Department of Health and Human Resources.

(a) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section one, article eleven, chapter sixteen, of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on February 5, 2013, relating to the Department of Health and Human Resources (regulation of opioid treatment programs, 69 CSR 7), is authorized with the following amendment:

On page fourteen by striking section 7.3 and inserting a new section 7.3 to read as follows:

“7.3. License Fees and Inspection Costs.

7.3.a. All applications for an initial or renewed license shall be accompanied by a non-refundable license fee in the amount required by this rule. The annual renewal fee is based upon the average daily total census of the program. In addition to the set fee, the annual renewal fee shall be adjusted on the first day of June of each year to correspond with increases in the consumer price index. The base amounts for initial and renewal fees are as follows:

7.3.a.1. Initial license fee - \$250;

7.3.a.2. Renewal fee - fewer than 500 patients - \$500 plus adjustment;

7.3.a.3. Renewal fee - 500 to 1,000 patients - \$1,000 plus adjustment;

7.3.a.4. Renewal fee - more than 1,000 patients - \$1,500 plus adjustment.

7.3.b. An opioid treatment program shall pay for the cost of the initial inspection made by the secretary prior to issuing a license. The cost of the initial inspection is \$400, and shall be billed to the applicant by the secretary within five business days after the inspection. The cost of the initial inspection must be paid in full by the applicant before a license may be issued.

7.3.c. The Office of Health Facility Licensure and Certification shall use the fee for increased oversight on opioid treatment programs.”;

On page thirty-two by inserting a new subdivision 18.3.j. to read as follows:

“18.3.j. There shall be one (1) counselor for every forty (40) clients in the program.”;

On page fifty-three by striking section 30.8 and inserting a new section 30.8 to read as follows:

“30.8. Each opioid treatment program must provide counseling on preventing exposure to, and the transmission of, human immunodeficiency virus (HIV) disease and Hepatitis C disease for each patient admitted or re-admitted to maintenance or detoxification treatment. Services rendered to patients with HIV disease shall comply with the requirements of section 44 of this rule.”;

On page fifty-four by striking subdivision 31.4.a and inserting a new subdivision 31.4.a to read as follows:

“31.4.a. Preventing exposure to, and the transmission of, HIV disease and Hepatitis C disease for each patient admitted or readmitted to maintenance or detoxification treatment; and”;

On page fifty-six by striking subdivision 32.2.a and inserting a new subdivision 32.2.a to read as follows:

“32.2.a. The initial post-admission assessment shall consist of a comprehensive medical evaluation, which shall include, but not be limited to:

32.2.a.1. A comprehensive physical evaluation;

32.2.a.2. A comprehensive psychiatric evaluation, including mental status examination and psychiatric history;

32.2.a.3. A personal and family medical history;

32.2.a.4. A comprehensive history of substance abuse, both personal and family;

32.2.a.5. A tuberculosis skin test and chest X-ray, if skin test is positive;

32.2.a.6. A screening test for syphilis;

32.2.a.7. A Hepatitis C test;

32.2.a.8. An HIV test; and

32.2.a.9. Other tests as necessary or appropriate (e.g., CBC, EKG, chest X-ray, pap smear, hepatitis B surface antigen and hepatitis B antibody testing).”;

On page seventy by striking section 37.14 and inserting a new section 37.14 to read as follows:

“37.14 The state authority may approve exceptional unsupervised-medication dosages, including alternative medications, on a case-by-case basis upon application for an exemption by the program physician. Any authorization for exceptions shall be consistent with guidelines and protocols of approved authorities, provided that the authority may not grant any exceptions during a calendar month which exceed three (3) exceptions or ten (10) percent of the number of patients enrolled in the program on the last day of the previous month, whichever is greater.”;

On page seventy-three by inserting a new subdivision 38.14 to read as follows:

“38.14 Maintenance treatment shall be discontinued within two (2) continuous years after the treatment is begun unless, based upon the clinical judgement of the medical director or program physician and staff which shall be recorded in the client’s record by the medical director or program physician, the client’s status indicates that the treatment should be continued for a longer period of time because discontinuance from treatment would lead to a return to illicit opiate abuse or dependence.”;

On page seventy-five by striking subdivision 41.2.d.3 and inserting a new subdivision 41.2.d.3 to read as follows:

“41.2.d.3. When using urine as a screening mechanism, all patient drug testing shall be observed to minimize the chance of adulterating or substituting another individual’s urine.”;

And,

On page eighty-one by striking subdivision 44.5.d.1. and inserting a new subdivision 44.5.d.1. to read as follows:

“44.5.d.1. Maintenance treatment dosage levels of pregnant clients shall be maintained at the lowest possible dosage level.”

(b) The legislative rule filed in the State Register on January 7, 2013, authorized under the authority of section nine, article five-h, chapter sixteen, of this code, relating to the Department of Health and Human Resources (chronic pain management clinic licensure, 69 CSR 8), is authorized with the following amendments:

On page one, subsection 1.4, line eleven, following the number “2013.”, by inserting the following words:

“This rule is effective upon the date specified in an emergency rule promulgated by the Department of Health and Human Resources as being the date funding for implementation of Chronic Pain Management Clinic Licensure will become available pursuant to a duly enacted appropriation bill authorizing the expenditure of funds for that purpose.”;

On page four, subsection 3.1., by striking out all of subdivisions 3.1.a., 3.1.b., 3.1.c. and 3.1.d. and inserting in lieu thereof the following:

3.1.a. The primary component of the medical practice of the clinic, facility or office is treatment of chronic pain for non-malignant conditions;

3.1.b. More than fifty percent of patients in any one month of the prescribers are provided treatment for chronic pain for nonmalignant

conditions and are prescribed, administered or dispensed tramadol, carisoprodol, opioid drug products or other Schedule II or Schedule III controlled substances for such diagnosis;

3.1.c. The calculation of more than fifty percent of patients will be calculated by dividing the number of unique patient encounters at the clinic, facility or office during any one month for a diagnosis of chronic nonmalignant pain and pursuant to such diagnosis of chronic nonmalignant pain were prescribed, administered or dispensed tramadol, carisoprodol, opioid drugs or other Scheduled II or Scheduled III controlled substances by the total number of all patient encounters at the clinic, facility or office during any month; and

3.1.d. Patients receiving tramadol, carisoprodol, opioid drug products or other Schedule II or Schedule III controlled substances for treatment of an injury or illness that lasts or is expected to last thirty days or less shall not be included in the calculation of more than fifty percent of all patients.” and renumbering the remaining subdivisions;

On page five, by inserting a new paragraph, 3.2.i.2., to read as follows:

“3.2.i.2. Medical practices, clinics or offices in which a physician treats an average of 20 or fewer patients a day during any month and with any diagnosis and, in which the physician holds a Competency Certification in Controlled Substances Management.”;

And,

On page thirteen, subparagraph 6.5.b.2.B., after the words “Osteopathic Specialist;” by inserting the words “hold Competency Certification in Controlled Substances Management;”.

(c) The legislative rule filed in the State Register on August 30, 2012, authorized under the authority of section four, article

two-b, chapter forty-nine, of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 15, 2013, relating to the Department of Health and Human Resources (minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults in West Virginia, 78 CSR 3), is authorized, with the following amendment:

On page fifty-two, paragraph 11.2.a.3., line five, by striking out the word “Training” and inserting the word “Certification”.

§64-5-3. Health Care Authority.

The legislative rule filed in the State Register on May 14, 2012, authorized under the authority of section seven, article twenty-nine-g, chapter sixteen, of this code, modified by the Health Care Authority to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on July 19, 2012, relating to the Health Care Authority to promulgate a legislative rule relating to (West Virginia Health Information Network, 65 CSR 28), is authorized.

§64-5-4. Bureau of Senior Services.

The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section fifteen, article five-p, chapter sixteen, of this code, modified by the Bureau of Senior Services to meet the objections of the Legislative Rule-making Review Committee and refiled in the State Register on January 17, 2013, relating to the Bureau of Senior Services (in-home care worker registry, 76 CSR 2), is authorized with the following amendment:

On page two, subdivision 4.1(i), by striking the word “training” and inserting the word “certification”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 265—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Health and Human Resources; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register and as amended by the Legislature; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to reportable diseases, events and conditions; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to general sanitation; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Grade A pasturized milk; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to fees for services; repealing the Bureau of Public Health's legislative rule relating to the regulation of opioid treatment programs, 64 CSR 90; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pulse oximetry newborn testing; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the regulation of opioid treatment programs, 69 CSR 7; authorizing the Department of

Health and Human Resources to promulgate a legislative rule relating to chronic pain management clinic licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults in West Virginia; authorizing the Health Care Authority to promulgate a legislative rule relating to the West Virginia Health Information Network; and authorizing the Bureau of Senior Services to promulgate a legislative rule relating to the in-home care worker registry.

On motion of Senator Unger, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for S. B. No. 265) and requested the House of Delegates to recede therefrom.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 386, Relating to personal safety orders.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting lieu thereof the following:

ARTICLE 8. PERSONAL SAFETY ORDERS.

§53-8-4. Petition seeking relief.

(a) *Underlying acts.* – A petitioner may seek relief under this article by filing with a magistrate court a petition that alleges the commission of any of the following acts against the petitioner by the respondent:

(1) A sexual offense or attempted sexual offense as defined in section one of this article; or

(2) ~~A violation of section nine-a, article two, chapter sixty-one of this code~~ Repeated credible threats of bodily injury when the person making the threats knows or has reason to know that the threats cause another person to reasonably fear for his or her safety.

(b) *Contents.* –

The petition shall:

(1) Be verified and provide notice to the petitioner that an individual who knowingly provides false information in the petition is guilty of a misdemeanor and, ~~on conviction~~ upon conviction thereof, is subject to the penalties specified in subsection (d) of this section;

(2) Subject to the provisions of subsection (c) of this section, contain the address of the petitioner; and

(3) Include all information known to the petitioner of:

(A) The nature and extent of the act specified in subsection (a) of this section for which the relief is being sought, including information known to the petitioner concerning previous harm or injury resulting from an act specified in subsection (a) of this section by the respondent;

(B) Each previous and pending action between the parties in any court; and

(C) The whereabouts of the respondent.

(c) *Address may be stricken.* – If, in a proceeding under this article, a petitioner alleges, and the court finds, that the disclosure of the address of the petitioner would risk further harm to the petitioner or a member of the petitioner’s household, that address may be stricken from the petition and omitted from all other documents filed with, or transferred to, a court.

(d) *Providing false information.* – An individual who knowingly provides false information in a petition filed under this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$1,000 or confined in jail not more than ninety days, or both.

(e) *Withdrawal or dismissal of a petition prior to adjudication operates as a dismissal without prejudice.* – No action for a personal safety order may be dismissed because the respondent is being prosecuted for a crime against the petitioner. For any action commenced under this article, dismissal of a case or a finding of not guilty does not require dismissal of the action for a civil protection order.

(f) *Venue.* – The action may be heard in the county in which any underlying act occurred for which relief is sought in the petition, in the county in which the respondent is living, or in the county in which the petitioner is living, either temporarily or permanently;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 386—A Bill to amend and reenact §53-8-4 of the Code of West Virginia, 1931, as amended, relating generally to personal safety orders; amending the grounds for issuance of a personal safety order; and establishing venue for issuance of a personal safety order.

On motion of Senator Unger, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for S. B. No. 386) and requested the House of Delegates to recede therefrom.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced that that body had refused to recede from its amendments, and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for Senate Bill No. 435, Continuing Municipal Home Rule Pilot Program.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Morgan, Swartzmiller and Azinger.

On motion of Senator Unger, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Kessler (Mr. President) appointed the following conferees on the part of the Senate:

Senators Snyder, Miller and Boley.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced that that body had refused to recede from its amendments, and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for Senate Bill No. 580, Updating requirements for dental intern, resident and teaching permits.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Staggers, Poore and Sobonya.

On motion of Senator Unger, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Kessler (Mr. President) appointed the following conferees on the part of the Senate:

Senators Williams, Fitzsimmons and Cole.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill No. 2585, Increasing the time to file a petition in response to notice of an increased assessment.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Skaff, Sponaule and Hamilton.

The Senate proceeded to the sixth order of business, which agenda includes the making of main motions.

On motion of Senator Unger, the Senate requested the return from the House of Delegates of

Eng. Com. Sub. for Senate Bill No. 243, Authorizing DEP promulgate legislative rules.

Having been received as a House message in earlier proceedings today,

The bill still being in the possession of the Senate,

On motion of Senator Unger, the Senate reconsidered the vote by which in earlier proceedings today it adopted Senator Unger's motion that the Senate refuse to concur in the House of Delegates amendment to the bill (*shown in the Senate Journal of today, pages 1712 through 1719, inclusive*).

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Unger's motion that the Senate refuse to concur in the House of Delegates amendment to the bill.

At the request of Senator Unger, and by unanimous consent, his foregoing motion was withdrawn.

Thereafter, on motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 243, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Fitzsimmons—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 243) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sybolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Fitzsimmons—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 243) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 143, Budget Bill.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. House Bill No. 2158, Relating to the provision of financially-related services by banks and bank holding companies.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2265, Relating to the school access safety act.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk:

On page four, section nine, lines thirty-nine through forty-seven, by striking out all of paragraph (G) and inserting in lieu thereof a new paragraph, designated paragraph (G), to read as follows:

(G) By no later than August 1, 2014, protocols for responding to sports injuries that occur on school property after normal school hours during school sponsored sports events, including practices. The sports injury protocols shall include directives for personnel or equipment which should be available, if needed, on sports fields or in school buildings for both girls and boys teams as well as training needed for school or volunteer personnel.

On motion of Senator Stollings, the following amendment to the Education committee amendment to the bill (Eng. Com. Sub. for H. B. No. 2265) was next reported by the Clerk and adopted:

After the word “personnel.” by inserting the following:

A licensed health care professional who renders services of a medical nature to students under an agreement with a county board of education that defines the scope of his or her duties as such and for which no remuneration is demanded or received is not liable for any civil damages as a result of rendering such services, or as a result of any act or failure to act in providing or arranging further medical treatment, in accordance with acceptable standards of care,

to an extent greater than the applicable limits of the professional liability insurance provided by the state Board of Risk and Insurance Management in effect at the time. Nothing in this subdivision nullifies the immunity from civil liability as granted pursuant to section fifteen, article seven, chapter fifty-five of this code or federal law except to the extent to which the actions are covered within the applicable limits of the professional liability insurance provided by the state Board of Risk and Insurance Management pursuant to this section and in effect at the time.

The question now being on the adoption of the Education committee amendment, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. No. 2265), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2360, Relating to public school support computation of local share.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Plymale, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the bill was withdrawn.

On motions of Senators Plymale and Sypolt, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §11-1C-5b of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §18-9A-11 of said code be amended and reenacted, all to read as follows:

CHAPTER 11. TAXATION.**ARTICLE 1C. FAIR AND EQUITABLE PROPERTY VALUATION.****§11-1C-5b. Assessment for purpose of calculating local share.**

(a) This section is effective July 1, 2013 and distribution of state aid pursuant to the local share calculations made pursuant to this section shall occur during the 2014-2015 fiscal year and all fiscal years thereafter.

(b) The Tax Commissioner shall calculate the total assessed values for the purpose of calculating local share for each county each year pursuant to this section and report the total assessed values to the state Board of Education on or before ~~December 1~~ March 5 of each year.

(c) To provide for assessors to assess at sixty percent of market value, it is the intent of the Legislature that local share, as set forth in section eleven, article nine-a, chapter eighteen of this code, be calculated assuming that the types of property included in the assessment ratio study in each county are assessed at a level in which the assessment ratio study indicates would be sixty percent of market value.

(d) For each of Classes II, III and IV as set forth in section five, article eight of this chapter, all real property of the type that is or would be included in the assessment ratio study if sold is assumed for the purpose of calculating local share to be assessed at the amount the property would be assessed at if all the property in the class were adjusted under the assumption that, using a ratio of sixty percent, all the property were under or over assessed to the same extent as that property included in the assessment ratio study so that using the assessment ratio study as an indicator all the property in the class would be assessed at the ratio of sixty percent of market value, subject to the following:

(1) ~~Provided, That if~~ If the sales ratio analysis indicates that assessments are within ten percent of sixty percent of market value, assessments are considered to be sixty percent of market value for the purposes of this section;

(2) For tax years beginning on and after the July 1, 2013 assessment date, for the first tax year when a county's assessments are below sixty percent of market value, including the ten percent variance:

(A) The actual assessed values of the properties to which this subsection applies shall be used for the purposes of calculating local share; and

(B) In addition to any other sanctions and notices the Property Valuation Training and Procedures Commission may elect to adopt or apply, the Commission shall, at a minimum, notify the county assessor that the sales ratio study indicates that assessments are below sixty percent of market value including the ten percent variance; and

(3) For the second consecutive year that assessments are below sixty percent of market value including the ten percent variance, the use of the assumed assessed values after factoring in the ten percent variance shall be used for the purposes of calculating local share in the next succeeding tax year after the first tax year when a county's assessments are below sixty percent of market value, including the ten percent variance, and for succeeding consecutive years thereafter until such time as assessments are not below sixty percent of market value, including the ten percent variance. For the purposes of this subsection, only tax years beginning on or after the July 1, 2013 assessment date may count as the first year.

(e) The amount of the assumed assessed values determined pursuant to subsection (d) of this section shall be added to the actual assessed values of personal property, farmland, managed timberland, public utility property or any other centrally assessed

property provided in paragraphs (A), (B), (C) and (D), subdivision (2), subsection (a), section five of this article and the sum of these values is the total assessed value for the purpose of calculating local share.

CHAPTER 18. EDUCATION.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-11. Computation of local share; appraisal and assessment of property; public library support.

(a) On the basis of each county's certificates of valuation as to all classes of property as determined and published by the assessors pursuant to section six, article three, chapter eleven of this code for the next ensuing fiscal year in reliance upon the assessed values annually developed by each county assessor pursuant to the provisions of articles one-c and three of said chapter, the state board shall for each county compute by application of the levies for general current expense purposes, as defined in section two of this article, the amount of revenue which the levies would produce if levied upon one hundred percent of the assessed value of each of the several classes of property contained in the report or revised report of the value, made to it by the Tax Commissioner as follows:

(1) The state board shall first take ninety-five percent of the amount ascertained by applying these rates to the total assessed public utility valuation in each classification of property in the county; and

(2) The state board shall then apply these rates to the assessed taxable value of other property in each classification in the county as determined by the Tax Commissioner and shall deduct therefrom five percent as an allowance for the usual losses in collections due to discounts, exonerations, delinquencies and the like. All of the amount so determined shall be added to the ninety-five percent of

public utility taxes computed as provided in subdivision (1) of this subsection and this total shall be further reduced by the amount due each county assessor's office pursuant to the provisions of section eight, article one-c, chapter eleven of this code and this amount shall be the local share of the particular county.

As to any estimations or preliminary computations of local share required prior to the report to the Legislature by the Tax Commissioner, the state shall use the most recent projections or estimations that may be available from the Tax Department for that purpose.

(b) Effective July 1, 2013, subsection (a) of this section is void and local share shall be calculated in accordance with the following:

(1) The state board shall for each county compute by application of the levies for general current expense purposes, as defined in sections two and two-a of this article, the amount of revenue which the levies would produce if levied upon one hundred percent of the assessed value calculated pursuant to section five-b, article one-c, chapter eleven of this code;

(2) Five percent shall be deducted from the revenue calculated pursuant to subdivision (1) of this subsection as an allowance for the usual losses in collections due to discounts, exonerations, delinquencies and the like; and

(3) The amount calculated in subdivision (2) of this subsection shall further be reduced by the sum of money due each assessor's office pursuant to the provisions of section eight, article one-c, chapter eleven of this code and this reduced amount shall be the local share of the particular county.

As to any estimations or preliminary computations of local share required prior to the report to the state board by the Tax Commissioner pursuant to section five-b, article one-c, chapter eleven of this code, including computations necessary for the

Governor's proposed budget, the state shall use the most recent projections or estimations that may be available from the Tax Department for that purpose.

(c) Whenever in any year a county assessor or a county commission fails or refuses to comply with the provisions of this section in setting the valuations of property for assessment purposes in any class or classes of property in the county, the State Tax Commissioner shall review the valuations for assessment purposes made by the county assessor and the county commission and shall direct the county assessor and the county commission to make corrections in the valuations as necessary so that they comply with the requirements of chapter eleven of this code and this section and the Tax Commissioner shall enter the county and fix the assessments at the required ratios. Refusal of the assessor or the county commission to make the corrections constitutes grounds for removal from office.

(d) For the purposes of any computation made in accordance with the provisions of this section, in any taxing unit in which tax increment financing is in effect pursuant to the provisions of article eleven-b, chapter seven of this code, the assessed value of a related private project shall be the base-assessed value as defined in section two of said article.

(e) For purposes of any computation made in accordance with the provisions of this section, in any county where the county board of education has adopted a resolution choosing to use the provisions of the Growth County School Facilities Act set forth in section six-f, article eight, chapter eleven of this code, estimated school board revenues generated from application of the regular school board levy rate to new property values, as that term is designated in said section, may not be considered local share funds and shall be subtracted before the computations in subdivisions (1) and (2), subsection (a) of this section or in subdivisions (2) and (3), subsection (b) of this section, as applicable, are made.

(f) The Legislature finds that public school systems throughout the state provide support in varying degrees to public libraries through a variety of means including budgeted allocations, excess levy funds and portions of their regular school board levies as may be provided by special act. A number of public libraries are situated on the campuses of public schools and several are within public school buildings serving both the students and public patrons. To the extent that public schools recognize and choose to avail the resources of public libraries toward developing within their students such legally recognized elements of a thorough and efficient education as literacy, interests in literature, knowledge of government and the world around them and preparation for advanced academic training, work and citizenship, public libraries serve a legitimate school purpose and may do so economically. For the purposes of any computation made in accordance with the provisions of this section, the library funding obligation on the regular school board levies which is created by a special act and is due and payable from the levy revenues to a library shall be paid from the county school board's discretionary retainage, which is hereby defined as the amount by which the regular school board levies exceeds the local share as determined hereunder. If the library funding obligation which is created by a special act and is due and payable to a library is greater than the county school board's discretionary retainage, the library funding obligation created by the special act is amended and is reduced to the amount of the discretionary retainage, notwithstanding any provisions of the special act to the contrary. Any excess of the discretionary retainage over the library funding obligation shall be available for expenditure by the county board in its discretion for its properly budgeted purposes.

(g) It is the intent of the Legislature that whenever a provision of subsection (f) of this section is contrary to any special act of the Legislature which has been or may in the future be enacted by the Legislature that creates a library funding obligation on the regular school board levy of a county, subsection (f) of this section controls over the special act. Specifically, the special acts which are subject

to said subsection upon the enactment of this section during the 2007 regular session of the Legislature include:

(1) Enrolled Senate Bill No. 11, passed on February 12, 1970, applicable to the Berkeley County Board of Education;

(2) Enrolled House Bill No. 1352, passed on April 7, 1981, applicable to the Hardy County Board of Education;

(3) Enrolled Committee Substitute for House Bill No. 2833, passed on March 14, 1987, applicable to the Harrison County Board of Education;

(4) Enrolled House Bill No. 161, passed on March 6, 1957, applicable to the Kanawha County Board of Education;

(5) Enrolled Senate Bill No. 313, passed on March 12, 1937, as amended by Enrolled House Bill No. 1074, passed on March 8, 1967, and as amended by Enrolled House Bill No. 1195, passed on January 18, 1982, applicable to the Ohio County Board of Education;

(6) Enrolled House Bill No. 938, passed on February 28, 1969, applicable to the Raleigh County Board of Education;

(7) Enrolled House Bill No. 398, passed on March 1, 1935, applicable to the Tyler County Board of Education;

(8) Enrolled Committee Substitute for Senate Bill No. 450, passed on March 11, 1994, applicable to the Upshur County Board of Education; and

(9) Enrolled House Bill No. 2994, passed on March 13, 1987, applicable to the Wood County Board of Education.

(h) Notwithstanding any provision of any special act set forth in subsection (g) of this section to the contrary, the county board

of any county with a special act creating a library obligation out of the county's regular school levy revenues may transfer that library obligation so that it becomes a continuing obligation of its excess levy revenues instead of an obligation of its regular school levy revenues, subject to the following:

(1) If a county board chooses to transfer the library obligation pursuant to this subsection, the library funding obligation shall remain an obligation of the regular school levy revenues until the fiscal year in which the excess levy is effective or would have been effective if it had been passed by the voters;

(2) If a county board chooses to transfer the library obligation pursuant to this subsection, the county board shall include the funding of the public library obligation in the same amount as its library funding obligation which exists or had existed on its regular levy revenues as one of the purposes for the excess levy to be voted on as a specifically described line item of the excess levy: Provided, That if the county board has transferred the library obligation to the excess levy and the excess levy fails to be passed by the voters or the excess levy passes and thereafter expires upon the time limit for continuation as set forth in section sixteen, article eight, chapter eleven of this code, then in any subsequent excess levy which the county board thereafter submits to the voters the library funding obligation again shall be included as one of the purposes of the subsequent excess levy as a specifically described line item of the excess levy;

(3) If a county board chooses to transfer the library obligation pursuant to this subsection, regardless of whether or not the excess levy passes, effective the fiscal year in which the excess levy is effective or would have been effective if it had been passed by the voters, a county's library obligation on its regular levy revenues is void notwithstanding any provision of the special acts set forth in subsection (g) of this section to the contrary; and

(4) Nothing in subdivision (3) of this subsection prohibits a county board from funding its public library obligation voluntarily.

The bill (Eng. Com. Sub. for H. B. No. 2360), as amended, was then ordered to third reading.

Eng. House Bill No. 2434, Relating to compensation in the magistrate court system.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 1. COURTS AND OFFICERS.

§50-1-3. Salaries of magistrates.

(a) The Legislature finds and declares that:

(1) The West Virginia Supreme Court of Appeals has held that a salary system for magistrates which is based upon the population that each magistrate serves does not violate the equal protection clause of the Constitution of the United States;

(2) The West Virginia Supreme Court of Appeals has held that a salary system for magistrates which is based upon the population that each magistrate serves does not violate section thirty-nine, article VI of the Constitution of West Virginia;

(3) The utilization of a two-tiered salary schedule for magistrates is an equitable and rational manner by which magistrates should be compensated for work performed;

(4) Organizing the two tiers of the salary schedule into one tier for magistrates serving less than ~~eight~~ seven thousand ~~four~~ three

hundred in population and the second tier for magistrates serving eight seven thousand ~~four~~ three hundred or more in population is rational and equitable given current statistical information relating to population and caseload; and

(5) That all magistrates who fall under the same tier should be compensated equally.

(b) The salary of each magistrate shall be paid by the state. ~~Magistrates who serve fewer than eight thousand four hundred in population shall be paid annual salaries of \$30,625 and magistrates who serve eight thousand four hundred or more in population shall be paid annual salaries of \$37,000: *Provided*, That on and after July 1, 2003, magistrates who serve fewer than eight thousand four hundred in population shall be paid annual salaries of \$33,625 and magistrates who serve eight thousand four hundred or more in population shall be paid annual salaries of \$40,000: *Provided*, however, That on and after July 1, 2005, magistrates who serve fewer than eight thousand four hundred in population shall be paid annual salaries of \$43,625 and magistrates who serve eight thousand four hundred or more in population shall be paid annual salaries of \$50,000: *Provided further*, That on and after July 1, 2011, magistrates~~ Magistrates who serve fewer than eight seven thousand ~~four~~ three hundred in population shall be paid annual salaries of \$51,125 and magistrates who serve eight seven thousand ~~four~~ three hundred or more in population shall be paid annual salaries of \$57,500.

(c) For the purpose of determining the population served by each magistrate, the number of magistrates authorized for each county shall be divided into the population of each county. For the purpose of this article, the population of each county is the population as determined by the last preceding decennial census taken under the authority of the United States government.

(d) Notwithstanding any provision of this code to the contrary, the amendments made to this section during the 2013 regular

legislative session are effective upon date of passage and are retroactive to January 1, 2013.

§50-1-8. Magistrate court clerks; salaries; duties; duties of circuit clerk.

(a) In each county having three or more magistrates the judge of the circuit court or the chief judge of the circuit court, if there is more than one judge of the circuit court, shall appoint a magistrate court clerk. In all other counties the judge may appoint a magistrate court clerk or may by rule require the duties of the magistrate court clerk to be performed by the clerk of the circuit court, in which event the circuit court clerk is entitled to additional compensation in the amount of \$2,500 per year. The magistrate court clerk serves at the will and pleasure of the circuit judge.

(b) Magistrate court clerks shall be paid a monthly salary by the state. ~~Magistrate court clerks serving magistrates who serve less than eight thousand four hundred in population shall be paid up to \$26,436 per year and magistrate court clerks serving magistrates who serve eight thousand four hundred or more in population shall be paid up to \$31,344 per year: *Provided*, That on and after July 1, 2006, magistrate court clerks serving magistrates who serve less than eight thousand four hundred in population shall be paid up to \$31,436 per year and magistrate court clerks serving magistrates who serve eight thousand four hundred or more in population shall be paid up to \$36,344 per year: *Provided, however*, That on and after July 1, 2007, magistrate Magistrate court clerks serving magistrates who serve less than ~~eight~~ seven thousand ~~four~~ three hundred in population shall be paid up to \$36,436 \$39,552 per year and magistrate court clerks serving magistrates who serve ~~eight~~ seven thousand ~~four~~ three hundred or more in population shall be paid up to \$41,344 \$44,712 per year: *Provided, further*; That after the effective date of this section, any general salary increase granted to all state employees, whose salaries are not set by statute, expressed as a percentage increase or an “across-the-board” increase, may also be granted to magistrate court clerks. For the purpose of~~

determining the population served by each magistrate, the number of magistrates authorized for each county shall be divided into the population of each county. The salary of the magistrate court clerk shall be established by the judge of the circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit court, within the limits set forth in this section.

(c) In addition to other duties that may be imposed by the provisions of this chapter or by the rules of the Supreme Court of Appeals or the judge of the circuit court or the chief judge of the circuit court if there is more than one judge of the circuit court, it is the duty of the magistrate court clerk to establish and maintain appropriate dockets and records in a centralized system for the magistrate court, to assist in the preparation of the reports required of the court and to carry out on behalf of the magistrates or chief magistrate if a chief magistrate is appointed, the administrative duties of the court.

(d) The magistrate court clerk, or if there is no magistrate court clerk in the county, the clerk of the circuit court, may issue all manner of civil process and require the enforcement of subpoenas and subpoenas duces tecum in magistrate court.

(e) Notwithstanding any provision of this code to the contrary, the amendments made to this section during the 2013 regular legislative session are effective upon date of passage and are retroactive to January 1, 2013.

§50-1-9. Magistrate assistants; salary; duties.

(a) In each county there shall be one magistrate assistant for each magistrate. Each magistrate assistant shall be appointed by the magistrate under whose authority and supervision and at whose will and pleasure he or she shall serve. The assistant shall not be a member of the immediate family of any magistrate and shall not have been convicted of a felony or any misdemeanor involving moral turpitude and shall reside in the State of West Virginia.

For the purpose of this section, “immediate family” means the relationships of mother, father, sister, brother, child or spouse.

(b) A magistrate assistant shall have the duties, clerical or otherwise, assigned by the magistrate and prescribed by the rules of the Supreme Court of Appeals or the judge of the circuit court or the chief judge of the circuit court if there is more than one judge of the circuit court. In addition to these duties, magistrate assistants shall perform and are accountable to the magistrate court clerks with respect to the following duties:

- (1) The preparation of summons in civil actions;
- (2) The assignment of civil actions to the various magistrates;
- (3) The collection of all costs, fees, fines, forfeitures and penalties which are payable to the court;
- (4) The submission of moneys, along with an accounting of the moneys, to appropriate authorities as provided by law;
- (5) The daily disposition of closed files which are to be located in the magistrate clerk’s office;
- (6) All duties related to the gathering of information and documents necessary for the preparation of administrative reports and documents required by the rules of the Supreme Court of Appeals or the judge of the circuit court or the chief judge of the circuit court if there is more than one judge of the circuit court;
- (7) All duties relating to the notification, certification and payment of jurors serving pursuant to the terms of this chapter; and
- (8) All other duties or responsibilities whereby the magistrate assistant is accountable to the magistrate court clerk as determined by the magistrate.

(c) Magistrate assistants shall be paid a monthly salary by the state. ~~Magistrate assistants serving magistrates who serve less than eight thousand four hundred in population shall be paid up to \$23,148 per year and magistrate assistants serving magistrates who serve eight thousand four hundred or more in population shall be paid up to \$26,244 per year: *Provided*, That on and after July 1, 2006, magistrate assistants serving magistrates who serve less than eight thousand four hundred in population shall be paid up to \$28,148 per year and magistrate assistants serving magistrates who serve eight thousand four hundred or more in population shall be paid up to \$31,244 per year: *Provided, however*, That on and after July 1, 2007, magistrate Magistrate assistants serving magistrates who serve less than ~~eight~~ seven thousand ~~four~~ three hundred in population shall be paid up to \$33,148 \$36,048 per year and magistrate assistants serving magistrates who serve ~~eight~~ seven thousand ~~four~~ three hundred or more in population shall be paid up to \$36,244 \$39,348 per year: *Provided, further*, That after the effective date of this section, any general salary increase granted to all state employees, whose salaries are not set by statute, expressed as a percentage increase or an “across-the-board” increase, may also be granted to magistrate assistants. For the purpose of determining the population served by each magistrate, the number of magistrates authorized for each county shall be divided into the population of each county. The salary of the magistrate assistant shall be established by the magistrate within the limits set forth in this section.~~

(d) Notwithstanding any provision of this code to the contrary, the amendments made to this section during the 2013 regular legislative session are effective upon date of passage and are retroactive to January 1, 2013.

§50-1-9a. Magistrate court deputy clerks; duties; salary.

(a) Whenever required by workload and upon the recommendation of the judge of the circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit

court, the Supreme Court of Appeals may, by rule, provide for the appointment of magistrate court deputy clerks, not to exceed seventy-two in number. The magistrate court deputy clerks shall be appointed by the judge of the circuit court, or the chief judge if there is more than one judge of the circuit court, to serve at his or her will and pleasure under the immediate supervision of the magistrate court clerk.

(b) Magistrate court deputy clerks shall have the duties, clerical or otherwise, as may be assigned by the magistrate court clerk and as may be prescribed by the rules of the Supreme Court of Appeals or the judge of the circuit court or the chief judge if there is more than one judge of the circuit court. Magistrate court deputy clerks may also exercise the power and perform the duties of the magistrate court clerk as may be delegated or assigned by the magistrate court clerk.

(c) A magistrate court deputy clerk may not be an immediate family member of any magistrate, magistrate court clerk, magistrate assistant or judge of the circuit court within the same county, may not have been convicted of a felony or any misdemeanor involving moral turpitude and must reside in this state. For purposes of this subsection, "immediate family member" means a mother, father, sister, brother, child or spouse.

(d) Magistrate court deputy clerks shall be paid an annual salary by the state on the same basis and in the same amounts established for magistrate assistants in each county, as provided in section nine of this article.

(e) Notwithstanding any provision of this code to the contrary, the amendments made to section nine of this article during the 2013 regular legislative session, and the effects of those amendments on subsection (d) of this section, are effective upon date of passage and are retroactive to January 1, 2013.

The bill (Eng. H. B. No. 2434), as amended, was then ordered to third reading.

Eng. House Bill No. 2469, Increasing the cap on earnings during temporary reemployment after retirement.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Pensions, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

**ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES
RETIREMENT ACT.**

**§5-10-48. Reemployment after retirement; options for holder
of elected public office.**

(a) The Legislature finds that a compelling state interest exists in maintaining an actuarially sound retirement system and that this interest necessitates that certain limitations be placed upon an individual's ability to retire from the system and to then later return to state employment as an employee with a participating public employer while contemporaneously drawing an annuity from the system. The Legislature hereby further finds and declares that the interests of the public are served when persons having retired from public employment are permitted, within certain limitations, to render post-retirement employment in positions of public service, either in elected or appointed capacities. The Legislature further finds and declares that it has the need for qualified employees and that in many cases an employee of the Legislature will retire and be available to return to work for the Legislature as a per diem employee. The Legislature further finds and declares that in many instances these employees have particularly valuable expertise which the Legislature cannot find elsewhere. The Legislature further finds and declares that reemploying these persons on a limited per diem basis after they have retired is not only in the best

interests of this state, but has no adverse effect whatsoever upon the actuarial soundness of this particular retirement system.

(b) For the purposes of this section: (1) Regularly employed on a full-time basis means employment of an individual by a participating public employer, in a position other than as an elected or appointed public official, which normally requires twelve months per year service and at least one thousand forty hours of service per year in that position; (2) temporary full-time employment or temporary part-time employment means employment of an individual on a temporary or provisional basis by a participating public employer, other than as an elected or appointed public official, in a position which does not otherwise render the individual as regularly employed; (3) former employee of the Legislature means any person who has retired from employment with the Legislature and who has at least ten years' contributing service with the Legislature; and (4) reemployed by the Legislature means a former employee of the Legislature who has been reemployed on a per diem basis not to exceed one hundred seventy-five days per calendar year.

(c) In the event a retirant becomes regularly employed on a full-time basis by a participating public employer, payment of his or her annuity shall be suspended during the period of his or her reemployment and he or she shall become a contributing member to the retirement system. If his or her reemployment is for a period of one year or longer, his or her annuity shall be recalculated and he or she shall be granted an increased annuity due to the additional employment, the annuity to be computed according to section twenty-two of this article. A retirant may accept legislative per diem, temporary full-time or temporary part-time employment from a participating employer without suspending his or her retirement annuity so long as he or she does not receive annual compensation in excess of \$15,000: ~~Provided, That a retirant may be employed by the Legislature on a per diem basis without suspension of the retirement annuity if the retirant's annual compensation from the Legislature does not exceed \$20,000.~~

(d) In the event a member retires and is then subsequently elected to a public office or is subsequently appointed to hold an elected public office, or is a former employee of the Legislature who has been reemployed by the Legislature, he or she has the option, notwithstanding subsection (c) of this section, to either:

(1) Continue to receive payment of his or her annuity while holding public office or during any reemployment of a former employee of the Legislature on a per diem basis, in addition to the salary he or she may be entitled to as an office holder or as a per diem reemployed former employee of the Legislature; or

(2) Suspend the payment of his or her annuity and become a contributing member of the retirement system as provided in subsection (c) of this section. Notwithstanding the provisions of this subsection, a member who is participating in the system as an elected public official may not retire from his or her elected position and commence to receive an annuity from the system and then be elected or reappointed to the same position unless and until a continuous twelve-month period has passed since his or her retirement from the position: *Provided*, That a former employee of the Legislature may not be reemployed by the Legislature on a per diem basis until at least sixty days after the employee has retired: *Provided, however*; That the limitation on compensation provided by subsection (c) of this section does not apply to the reemployed former employee: *Provided further*; That in no event may reemployment by the Legislature of a per diem employee exceed one hundred seventy-five days per calendar year.

(e) A member who is participating in the system simultaneously as both a regular, full-time employee of a participating public employer and as an elected or appointed member of the legislative body of the state or any political subdivision may, upon meeting the age and service requirements of this article, elect to retire from his or her regular full-time state employment and may commence to receive an annuity from the system without terminating his or her position as a member of the legislative body of the state or political

subdivision: *Provided*, That the retired member shall not, during the term of his or her retirement and continued service as a member of the legislative body of a political subdivision, be eligible to continue his or her participation as a contributing member of the system and shall not continue to accrue any additional service credit or benefits in the system related to the continued service.

(f) Notwithstanding the provisions of section twenty-seven-b of this article, any publicly elected member of the legislative body of any political subdivision or of the State Legislature, the Clerk of the House of Delegates and the Clerk of the Senate may elect to commence receiving in-service retirement distributions from this system upon attaining the age of seventy and one-half years: *Provided*, That the member is eligible to retire under the provisions of section twenty or twenty-one of this article: *Provided, however*, That the member elects to stop actively contributing to the system while receiving the in-service distributions.

(g) The provisions of section twenty-two-h of this article are not applicable to the amendments made to this section during the 2006 Regular Session.

The bill (Eng. H. B. No. 2469), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2470, Relating to sign support specialist or an educational sign language interpreter in the education of exceptional children.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2490, Providing for the appointment of veterans advocates at state institutions of higher education.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Military, was reported by the Clerk and adopted:

On page six, section nine, line ninety-four, by striking out the word “may” and inserting in lieu thereof the word “shall”.

The bill (Eng. Com. Sub. for H. B. No. 2490), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2491, Establishing a uniform policy for students enrolled in institutions of higher education who are called up for duty in the military.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 4. GENERAL ADMINISTRATION.

§18B-4-10. Course completion for students called to military duty; rule required.

(a) As used in this section, “called to military duty” means called or ordered to state or federal active service, inactive-duty training or annual training in any active duty or reserve component of the Armed Forces of the United States or of the National Guard of this state or any other state.

(b) In accordance with the provisions of article three-a, chapter twenty-nine-a of this code, the commission and council jointly shall propose and implement a rule providing for uniform course completion for students who are enrolled at the state institutions of

higher education under their respective jurisdictions when those students are called to military duty.

(1) The rule shall be as uniform among the institutions as is practicable and shall take into consideration the unique conditions or circumstances of each institution.

(2) The intent of the rule is to ensure that enrolled students who are called to military duty are afforded a fair and efficient procedure of withdrawing from classes, completing course work or securing a leave of absence from course attendance, when feasible. The rule also shall provide for maintaining the academic integrity of the course work in a manner that is reasonably accommodating to the student under the circumstances.

(3) The commission and council shall consider and include the following elements when developing the rule:

(A) Discipline appropriate options which allow a student to withdraw from courses without penalty; earn credit for work completed in a course; receive an incomplete grade and make up the course work at a later time; or secure a leave of absence from course attendance;

(B) For students who withdraw from classes during an academic term and who do not receive full credit for completing classes in which they are enrolled, provision for obtaining a full or partial refund of tuition, fees and room and board fees paid to the institution; and

(C) Other measures as the commission and council consider necessary or effective to support, accommodate and encourage the students to continue and successfully complete their education programs.

(c) The rule required by this section is superceded by and may not conflict in any way with the following provisions:

(1) Educational leave of absence for active duty National Guard or other reserve components of the Armed Forces as set forth in Section one-a, article one-f, chapter fifteen of this code for students who are subject to these provisions; and

(2) Applicable federal laws, rules or regulations.

The bill (Eng. Com. Sub. for H. B. No. 2491), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2498, Making it a crime for a person sitting on a grand jury to disclose the identity of an individual who will be indicted.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 2. GRAND JURIES.

§52-2-15. Secrecy of grand jury proceedings.

Any person who willfully violates the provisions of Rule 6 of the West Virginia Rules of Criminal Procedure relating to disclosure of matters occurring before a grand jury shall be guilty of a misdemeanor and, upon conviction, be confined in a regional jail for not more than thirty days or fined not more than \$1,000, or both.

The bill (Eng. Com. Sub. for H. B. No. 2498), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2513, Improving enforcement of drugged driving offenses.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17C-1-67. Drug.

“Drug” has the same meaning as set forth in section one hundred one, article one, chapter sixty-a of this code, the Uniform Controlled Substances Act, that when taken into the human body can impair the ability of a person to operate a vehicle safely and in compliance with traffic regulations and the laws of the road.

§17C-1-68. Controlled substance.

“Controlled substance” means any substance classified under the provisions of chapter sixty-a of this code, the Uniform Controlled Substances Act, and includes all substances listed on Schedules I through V, inclusive, of article two of said chapter, as revised.

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-4. Implied consent to test; administration at direction of law-enforcement officer; designation of type of test; definition of law-enforcement officer.

(a) Any person who drives a motor vehicle in this state is considered to have given his or her consent by the operation of

the motor vehicle to a preliminary breath analysis and a secondary chemical test of either his or her blood ~~or breath, or urine for the purposes of determining the alcoholic content of~~ to determine the alcohol concentration in his or her blood, or the concentration in the person's body of a controlled substance, drug, or any combination thereof.

(b) A preliminary breath analysis may be administered in accordance with the provisions of section five of this article whenever a law-enforcement officer has reasonable cause to believe a person has committed an offense prohibited by section two of this article or by an ordinance of a municipality of this state which has the same elements as an offense described in section two of this article.

(c) A secondary test of blood ~~or breath, or urine~~ is incidental to a lawful arrest and is to be administered at the direction of the arresting law-enforcement officer having reasonable grounds probable cause to believe the person has committed an offense prohibited by section two of this article or by an ordinance of a municipality of this state which has the same elements as an offense described in section two of this article.

(d) The law-enforcement agency that employs the arresting law-enforcement officer shall designate ~~which type of the~~ secondary test is tests to be administered: ~~Provided, That if the test designated is a blood test and the person arrested refuses to submit to the blood test, then the law-enforcement officer making the arrest shall designate either a breath or urine test to be administered.~~ Notwithstanding the provisions of section seven of this article, the refusal to submit to a blood test only may not result in the revocation of the arrested person's license to operate a motor vehicle in this state.

(e) Any person to whom a preliminary breath test is administered who is ~~then~~ arrested shall be given a written statement advising him or her that his or her refusal to submit to the secondary chemical test pursuant to subsection (d) of this section, will result in the

revocation of his or her license to operate a motor vehicle in this state for a period of at least ~~one year~~ forty-five days and up to life.

(f) Any law-enforcement officer who has been properly trained in the administration of any secondary chemical test authorized by this article, including, but not limited to, certification by the Bureau for Public Health in the operation of any equipment required for the collection and analysis of a breath sample, may conduct the test at any location in the county wherein the arrest is made: *Provided*, That the law-enforcement officer may conduct the test at the nearest available properly functioning secondary chemical testing device located outside the county in which the arrest was made, if: (i) There is no properly functioning secondary chemical testing device located within the county the arrest was made; or (ii) there is no magistrate available within the county the arrest was made for the arraignment of the person arrested. A law-enforcement officer who is directing that a secondary chemical test be conducted has the authority to transport the person arrested to where the secondary chemical testing device is located.

(g) If the arresting officer lacks proper training in the administration of a secondary chemical test, then any other law-enforcement officer who has received training in the administration of the secondary chemical test to be administered may, upon the request of the arresting law-enforcement officer and in his or her presence, conduct the secondary test. The results of a test conducted pursuant to this subsection may be used in evidence to the same extent and in the same manner as if the test had been conducted by the arresting law-enforcement officer.

(h) Only the person actually administering or conducting a test conducted pursuant to this article is competent to testify as to the results and the veracity of the test.

(i) (1) For the purpose of this article, the term “law-enforcement officer” or “police officer” means: (1) Any member of the West Virginia State Police; (2) any sheriff and any deputy sheriff of any

county; (3) any member of a police department in any municipality as defined in section two, article one, chapter eight of this code; (4) any natural resources police officer of the Division of Natural Resources; and (5) any special police officer appointed by the Governor pursuant to the provisions of section forty-one, article three, chapter sixty-one of this code who has completed the course of instruction at a law-enforcement training academy as provided for under the provisions of section nine, article twenty-nine, chapter thirty of this code.

(2) In addition to standards promulgated by the Governor's Committee on Crime, Delinquency and Correction, pursuant to section three, article twenty-nine, chapter thirty of this code, governing the qualification of law-enforcement officers and the entry-level law-enforcement training curricula, the Governor's Committee on Crime, Delinquency and Correction shall require the satisfactory completion of a minimum of not less than six hours of training in the recognition of impairment in drivers who are under the influence of controlled substances or drugs other than alcohol.

(3) In addition to standards promulgated by the Governor's Committee on Crime, Delinquency and Correction, pursuant to section three, article twenty-nine, chapter thirty of this code, establishing standards governing in-service law-enforcement officer training curricula and in-service supervisory level training curricula, the Governor's Committee on Crime, Delinquency and Correction shall require the satisfactory completion of a minimum of not less than six hours of training in the recognition of impairment in drivers who are under the influence of controlled substances or drugs other than alcohol.

(4) That after December 31, 2014, a law-enforcement officer who has not satisfactorily completed the minimum number of hours of training in the recognition of impairment in drivers who are under the influence of controlled substances or drugs other than alcohol, required by subdivisions (2) or (3), may no longer require any person to submit to secondary chemical test of his or her blood

for the purposes of determining the concentration in the person's body of a controlled substance, drug, or any combination thereof.

(j) A law-enforcement officer who has reasonable cause to believe that person has committed an offense prohibited by section eighteen, article seven, chapter twenty of this code, relating to the operation of a motorboat, jet ski or other motorized vessel, shall follow the provisions of this section in administering, or causing to be administered, a preliminary breath analysis and ~~the incidental to a lawful arrest, a~~ secondary chemical test of the accused person's blood ~~or breath, or urine for the purposes of determining the alcoholic content of to determine the alcohol concentration in his or her blood, or the concentration in the person's body of a controlled substance, drug, or any combination thereof.~~

§17C-5-6. How blood test administered; additional test at option of person tested; use of test results; certain immunity from liability incident to administering test.

Only a doctor of medicine or osteopathy, or registered nurse, or trained medical technician at the place of his ~~or her~~ employment, acting at the request and direction of the law-enforcement officer, may withdraw blood ~~for the purpose of determining the alcoholic content to determine the alcohol concentration in the blood, or the concentration in the blood of a controlled substance, drug, or any combination thereof.~~ These limitations shall not apply to the taking of a breath test ~~or a urine specimen.~~ In withdrawing blood ~~for the purpose of determining the alcoholic content to determine the alcohol concentration in the blood, or the presence in the blood of a controlled substance, drug, or any combination thereof,~~ only a previously unused and sterile needle and sterile vessel may be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. A nonalcoholic antiseptic shall be used for cleansing the skin prior to venapuncture. The person tested may, at his ~~or her~~ own expense, have a doctor of medicine or osteopathy, or registered nurse, or trained medical technician at the place of

his or her employment, of his or her own choosing, administer a chemical test in addition to the test administered at the direction of the law-enforcement officer. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law-enforcement officer shall be made available to him or her. No person who administers any such test upon the request of a law-enforcement officer as herein defined, no hospital in or with which such person is employed or is otherwise associated or in which such test is administered, and no other person, firm or corporation by whom or with which such person is employed or is in any way associated, shall be in ~~anywise~~ any way criminally liable for the administration of such test, or civilly liable in damages to the person tested unless for gross negligence or willful or wanton injury.

§17C-5-7. Refusal to submit to tests; revocation of license or privilege; consent not withdrawn if person arrested is incapable of refusal; hearing.

(a) If any person under arrest as specified in section four of this article refuses to submit to any secondary chemical test, the tests shall not be given: *Provided*, That prior to the refusal, the person is given an oral warning and a written statement advising him or her that his or her refusal to submit to the secondary test finally designated will result in the revocation of his or her license to operate a motor vehicle in this state for a period of at least forty-five days and up to life; and that after fifteen minutes following the warnings the refusal is considered final. The arresting officer after that period of time expires has no further duty to provide the person with an opportunity to take the secondary test. The officer shall, within forty-eight hours of the refusal, sign and submit to the Commissioner of Motor Vehicles a written statement of the officer that: (1) He or she had ~~reasonable grounds~~ probable cause to believe the person had been driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (2) the person was lawfully placed under arrest for an offense relating to driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (3) the person refused

to submit to the secondary chemical test finally designated in the manner provided in section four of this article; and (4) the person was given a written statement advising him or her that his or her license to operate a motor vehicle in this state would be revoked for a period of at least forty-five days and up to life if he or she refused to submit to the secondary test finally designated in the manner provided in section four of this article. The signing of the statement required to be signed by this section constitutes an oath or affirmation by the person signing the statement that the statements contained in the statement are true and that any copy filed is a true copy. The statement shall contain upon its face a warning to the officer signing that to willfully sign a statement containing false information concerning any matter or thing, material or not material, is false swearing and is a misdemeanor. Upon receiving the statement the commissioner shall make and enter an order revoking the person's license to operate a motor vehicle in this state for the period prescribed by this section.

For the first refusal to submit to the designated secondary chemical test, the commissioner shall make and enter an order revoking the person's license to operate a motor vehicle in this state for a period of one year or forty-five days, with an additional one year of participation in the Motor Vehicle Alcohol Test and Lock Program in accordance with the provisions of section three-a, article five-a of this chapter: *Provided*, That a person revoked for driving while under the influence of drugs is not eligible to participate in the Motor Vehicle Test and Lock Program. The application for participation in the Motor Vehicle Alcohol Test and Lock Program shall be considered to be a waiver of the hearing provided in section two of said article. If the person's license has previously been revoked under the provisions of this section, the commissioner shall, for the refusal to submit to the designated secondary chemical test, make and enter an order revoking the person's license to operate a motor vehicle in this state for a period of ten years: *Provided, however*; That the license may be reissued in five years in accordance with the provisions of section three, article five-a of this chapter. If the person's license has

previously been revoked more than once under the provisions of this section, the commissioner shall, for the refusal to submit to the designated secondary chemical test, make and enter an order revoking the person's license to operate a motor vehicle in this state for a period of life. A copy of each order shall be forwarded to the person by registered or certified mail, return receipt requested, and shall contain the reasons for the revocation and shall specify the revocation period imposed pursuant to this section. A revocation shall not become effective until ten days after receipt of the copy of the order. Any person who is unconscious or who is otherwise in a condition rendering him or her incapable of refusal shall be considered not to have withdrawn his or her consent for a test of his or her blood or breath ~~or urine~~ as provided in section four of this article and the test may be administered although the person is not informed that his or her failure to submit to the test will result in the revocation of his or her license to operate a motor vehicle in this state for the period provided for in this section. A revocation under this section shall run concurrently with the period of any suspension or revocation imposed in accordance with other provisions of this code and growing out of the same incident which gave rise to the arrest for driving a motor vehicle while under the influence of alcohol, controlled substances or drugs and the subsequent refusal to undergo the test finally designated in accordance with the provisions of section four of this article.

(b) For the purposes of this section, where reference is made to previous suspensions or revocations under this section, the following types of suspensions or revocations shall also be regarded as suspensions or revocations under this section:

(1) Any suspension or revocation on the basis of a conviction under a municipal ordinance of another state or a statute of the United States or of any other state of an offense which has the same elements as an offense described in section two of this article for conduct which occurred on or after June 10, 1983; and

(2) Any revocation under the provisions of section one or two, article five-a of this chapter for conduct which occurred on or after June 10, 1983.

(c) A person whose license to operate a motor vehicle in this state has been revoked shall be afforded an opportunity to be heard, in accordance with the provisions of section two, article five-a of this chapter.

(d) The refusal to submit to a blood test may be admissible at the court's discretion in a trial for the offense of driving a motor vehicle in this state while under the influence of alcohol a controlled substance or drug or the combination of alcohol and drugs.

§17C-5-8. Interpretation and use of chemical test.

(a) Upon trial for the offense of driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs, or upon the trial of any civil or criminal action arising out of acts alleged to have been committed by any person driving a motor vehicle while under the influence of alcohol, controlled substances or drugs, evidence of the amount of alcohol in the person's blood at the time of the arrest or of the acts alleged, as shown by a chemical analysis of his or her blood or breath ~~or urine~~, is admissible, if the sample or specimen was taken within ~~two hours from and after the time of arrest or of the acts alleged~~ the time period provided in subsection (g).

(b) The evidence of the concentration of alcohol in the person's blood at the time of the arrest or the acts alleged gives rise to the following presumptions or has the following effect:

(1) Evidence that there was, at that time, five hundredths of one percent or less, by weight, of alcohol in his or her blood, is prima facie evidence that the person was not under the influence of alcohol;

(2) Evidence that there was, at that time, more than five hundredths of one percent and less than eight hundredths of one percent, by weight, of alcohol in the person's blood is relevant evidence, but it is not to be given prima facie effect in indicating whether the person was under the influence of alcohol;

(3) Evidence that there was, at that time, eight hundredths of one percent or more, by weight, of alcohol in his or her blood, shall be admitted as prima facie evidence that the person was under the influence of alcohol.

~~(b)~~ (c) A determination of the percent, by weight, of alcohol in the blood shall be based upon a formula of:

(1) The number of grams of alcohol per one hundred cubic centimeters of blood;

(2) The number of grams of alcohol per two hundred ten liters of breath; or

~~(3) The number of grams of alcohol per sixty-seven milliliters of urine; or~~

~~(4) The number of grams of alcohol per eighty-six milliliters of serum.~~

(d) A chemical analysis of blood for the purpose of determining the controlled substance or drug concentration of a person's blood, must include, but is not limited to, the following drugs or classes of drugs:

(1) Marijuana metabolites;

(2) Cocaine metabolites;

(3) Amphetamines;

(4) Opiate metabolites;

(5) Phencyclidine (PCP);

(6) Benzodiazepines;

(7) Propoxyphene;

(8) Methadone;

(9) Barbiturates; and

(10) Synthetic narcotics.

~~(e)~~ (e) (1) A chemical analysis of a person's blood or breath or urine, in order to give rise to the presumptions or to have the effect provided for in subsection (a) of this section, must be performed in accordance with methods and standards approved by the state division of Bureau for Public Health.

(A) The Bureau for Public Health shall prescribe, by legislative rules promulgated pursuant to article three, chapter twenty-nine-a of this code, methods and standards for the chemical analysis of a person's blood or breath.

(B) Legislative rules proposed by the Bureau for Public Health must specify the test or tests that are approved for reliability of result and ease of administration using scientific methods and instrumentation generally accepted in the forensic community, and must provide an approved method of administration which must be followed in all such tests given under this section.

(C) The bureau shall review prescribed standards and methods at least every two years to ensure that the methods and standards are approved for reliability of result and ease of administration using scientific methods and instrumentation generally accepted in the forensic community.

(2) A chemical analysis of blood ~~or urine~~ to determine the alcohol content or the controlled substance or drug content of blood shall be conducted by a qualified laboratory or by the State Police scientific laboratory of the ~~criminal identification bureau~~ of the West Virginia State Police Forensic Laboratory.

(~~g~~) (f) The provisions of this article do not limit the introduction in any administrative or judicial proceeding of any other competent evidence bearing on the question of whether the person was under the influence of alcohol, controlled substances or drugs.

(g) For the purposes of the admissibility of a chemical test under subsection (a):

(1) A sample or specimen taken to determine the alcohol concentration of a person's blood, must be taken within two hours from the time of the person's arrest; or

(2) For a sample or specimen to determine the controlled substance or drug content of a person's blood, must be taken within four hours of the person's arrest.

(h) The results of any test administered pursuant to this section for the purpose of detecting the concentration of any controlled substance shall not be admissible as evidence in a criminal prosecution for the possession of a controlled substance.

§17C-5-9. Right to demand test.

Any person lawfully arrested for driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs shall have the right to demand that a sample or specimen of his or her blood or breath or urine to determine the alcohol concentration of his or her blood be taken within two hours from and after the time of arrest and a sample or specimen of his or her blood or breath to determine the controlled substance or drug content of his or her blood, be taken within four hours from and after

the time of arrest, and that a chemical test thereof be made. The analysis disclosed by such chemical test shall be made available to such arrested person forthwith upon demand.

§17C-5-12. Report to the Legislature.

On or before December 31, 2013, the Bureau for Public Health shall submit to the Joint Committee on Government and Finance a report that includes the following:

(1) Recommendations for the minimum levels of those drugs or controlled substances contained in subsection (d), section eight of this article, that must be present in a person's blood in order for the test to be admitted as prima facie evidence that the person was under the influence of a controlled substance or drug in a prosecution for the offense of driving a motor vehicle in this state; and

(2) Recommendations for the minimum levels of those drugs or controlled substances contained in subsection (d), section eight of this article, that laboratories approved to test blood for drug or controlled substance content can reliably identify and measure for the concentrations of drugs, controlled substances and their metabolites, in blood.

The bill (Eng. Com. Sub. for H. B. No. 2513), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2531, Relating to the practice of speech-language pathology and audiology.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Snyder, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the bill was withdrawn.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §30-32-1, §30-32-2, §30-32-3, §30-32-4, §30-32-5, §30-32-6, §30-32-7, §30-32-8, §30-32-9, §30-32-10, §30-32-11, §30-32-12, §30-32-13, §30-32-14, §30-32-15, §30-32-16, §30-32-17, §30-32-18, §30-32-19, §30-32-20, and §30-32-21 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be further amended by adding thereto two new sections, designated §30-32-22 and §30-32-23, all to read as follows:

ARTICLE 32. SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS.

§30-32-1. Unlawful acts; criminal penalties.

(a) It is unlawful for any person to practice or offer to practice speech-language pathology or audiology in this state, or advertise or use any title or description tending to convey the impression that the person is a speech-language pathologist or audiologist unless the person has been licensed under the provisions of this article, and the license has not expired, been suspended or revoked.

(b) As of July 1, 2014, it is unlawful for any person to practice or represent that he or she is qualified to practice as a speech-language pathology assistant or an audiology assistant unless the person has registered with the West Virginia Board of Examiners for Speech-Language Pathology and Audiology under the provisions of this article, and the registration has not expired, been suspended or revoked.

(c) It is unlawful for any business entity, except through a licensee, to render any service or engage in any activity which

if rendered or engaged in by an individual, would constitute the practices licensed under the provisions of this article.

(d) Any person violating any provision of subsections (a), (b) or (c) of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$1,000 or confined in jail not more than six months, or both.

§30-32-2. Exemptions.

Nothing in this article prevents or restricts:

(1) Any person licensed or registered under any other law of this state from practicing the profession and performing services for which he or she is licensed or registered;

(2) A licensed physician or surgeon while engaging in the profession for which he or she is licensed;

(3) A trained individual providing hearing testing or balance system assessment under the direct supervision of a licensed physician or surgeon;

(4) A person credentialed by this state as a teacher of the deaf;

(5) The activities and services of persons pursuing a course of study leading to a degree in speech-language pathology or audiology at a college or university, if:

(A) These activities and services constitute a part of a planned course of study at that institution;

(B) They are designated by a title such as intern, trainee, student or other title clearly indicating the status appropriate to their level of education; and

(C) They work under the supervision of a person licensed by this state to practice speech-language pathology or audiology;

(6) The activities of persons who are nonresidents of this state from engaging in the practice of speech-language pathology or audiology if the activities of the persons do not exceed five days in any calendar year and they:

(A) Meet the qualifications of this article;

(B) Register with the board in accordance with procedures specified by the board; and

(C) Abide by the standards of professional conduct;

(7) The practice of a licensed hearing aid dealer engaged solely in the practice of dealing in or fitting of hearing aids; or

(8) The activity of an occupational hearing conservationist engaged in hearing testing as part of a hearing conservation program in compliance with regulations of the Occupational Safety and Health Administration.

§30-32-3. General provisions.

The practices licensed under the provisions of this article and the West Virginia Board of Examiners for Speech-Language Pathology and Audiology are subject to the provisions of article one of this chapter, the provisions of this article and any rules promulgated hereunder.

§30-32-4. Definitions.

The following terms have the following meanings:

(1) “Applicant” means a person applying for a license required by this article.

(2) “Assistant” means a registered speech-language pathology assistant or a registered audiology assistant.

(3) “Audiologist” means a person who engages in the practice of audiology and is licensed pursuant to the provisions of this article.

(4) “Audiology” means the application of principles, methods, and procedures related to hearing and the disorders of hearing and to related language and speech disorders.

(5) “Audiology assistant” means a person registered with the board who practices under the supervision of an licensed audiologist.

(6) “Audiology disorders” means any and all conditions, whether of organic or nonorganic origin, peripheral or central, that impede the normal process of human communication including, but not limited to, disorders of auditory sensitivity, acuity, function or processing.

(7) “Board” means the West Virginia Board of Speech-Language Pathology and Audiology.

(8) “Business entity” means any firm, partnership, association, company, corporation, limited partnership, limited liability company or other entity.

(9) “Direct supervision” means the actual physical presence of a supervising licensed speech-language pathologist or supervising licensed audiologist in the room where treatment is provided by an assistant.

(10) “General supervision” means initial direction and periodic inspection of the activities of an assistant by the supervising licensed speech-language pathologist or supervising licensed audiologist, who is physically present in the building where treatment is provided and is quickly and easily available.

(11) “Initial supervision training” means training required of supervising licensed speech-language pathologists and supervising licensed audiologists before providing supervision of assistants.

(12) “Instruction” means:

(A) Providing speech-language pathology or audiology services in infant/toddler, preschool, elementary or secondary school programs; or

(B) Teaching students in institutions of higher education.

(13) “License” means a license issued pursuant to the provisions of this article.

(14) “Licensee” means a person who is licensed pursuant to the provisions of this article.

(15) “Provisional license” means a license issued pursuant to the provisions of this article.

(16) “Registrant” means an assistant who is registered pursuant to the provisions of this article.

(17) “Registration” means a registration issued pursuant to the provisions of this article.

(18) “Speech-language pathologist” means any person who engages in the practice of speech-language pathology and who is licensed pursuant to the provisions of this article.

(19) “Speech-language pathology” means the application of principles, methods and procedures related to the development, disorders and effectiveness of human communication and related functions.

(20) “Speech-language pathology assistant” means a person registered with the board who practices under the supervision of a licensed speech-language pathologist.

(21) “Speech-language pathology disorders” means conditions, whether of organic or nonorganic origin, that impede the normal process of human communication including, but not limited to, disorders and related disorders of speech, articulation, fluency, voice, verbal and written language, Auditory comprehension, cognition/communication, and oral, pharyngeal and/or laryngeal sensorimotor competencies.

(22) “Telepractice” means the application of telecommunication technology to deliver speech-language pathology or audiology services through real time interaction from one site to another for assessment, intervention or consultation in a manner sufficient to ensure patient confidentiality.

§30-32-5. Board of Examiners for Speech-Language Pathology and Audiology.

(a) The West Virginia Board of Examiners for Speech-Language Pathology and Audiology is continued. The members of the board in office on July 1, 2013, may, unless sooner removed, continue to serve until their respective terms expire or until their successors have been appointed and qualified.

(b) The board consists of the following members appointed by the Governor by and with the advice and consent of the Senate:

(1) Two persons who are licensed speech-language pathologists;

(2) Two persons who are licensed audiologists; and

(3) One citizen member who is not licensed or registered under this article.

(c) The terms are for three years. No member may serve for more than two consecutive terms.

(d) Each licensed member of the board, at the time of his or her appointment, must have held a license in this state for at least three years.

(e) Each member of the board must be a resident of this state during the appointment term.

(f) No board member may serve as an officer of the West Virginia Speech Language and Hearing Association concurrently with his or her service on the board.

(g) A vacancy on the board shall be filled by appointment by the Governor for the unexpired term of the member whose office is vacant.

(h) The Governor may remove any member from the board for neglect of duty, incompetency or official misconduct.

(i) A licensed member of the board immediately and automatically forfeits membership to the board if his or her license or registration to practice is suspended or revoked.

(j) A member of the board immediately and automatically forfeits membership to the board if he or she is convicted of a felony under the laws of any jurisdiction or becomes a nonresident of this state.

(k) The board shall elect annually one of its members as chairperson and one of its members as secretary-treasurer who shall serve at the will and pleasure of the board.

(l) Each member of the board is entitled to receive compensation and expense reimbursement in accordance with article one of this chapter.

(m) A majority of the members of the board constitutes a quorum.

(n) The board shall hold at least one annual meeting. Other meetings shall be held at the call of the chairperson or upon the written request of four members, at the time and place as designated in the call or request.

(o) Prior to commencing his or her duties as a member of the board, each member shall take and subscribe to the oath required by section five, article four of the Constitution of this state.

(p) Board members are immune from civil liability for the performance of their official duties so long as they act in good faith.

§30-32-6. Powers and duties of the board.

(a) The board has all the powers and duties set forth in this article, by legislative rule, in article one of this chapter and elsewhere in law.

(b) The board shall:

(1) Hold meetings and conduct hearings;

(2) Establish requirements for licenses and registrations;

(3) Establish procedures for submitting, approving and rejecting applications for licenses and registrations;

(4) Determine the qualifications of any applicant for a license or registration;

(5) Communicate disciplinary actions to relevant state and federal authorities, the American Speech-Language-Hearing Association, the West Virginia Speech-Language and Hearing Association and other applicable authorities when public safety is at risk;

(6) Maintain an office and hire, discharge, establish the job requirements and fix the compensation of employees and contracted employees necessary to enforce the provisions of this article;

(7) Investigate alleged violations of the provisions of this article, legislative rules, orders and final decisions of the board;

(8) Conduct disciplinary hearings of persons regulated by the board;

(9) Determine disciplinary action and issue orders;

(10) Institute appropriate legal action for the enforcement of the provisions of this article;

(11) Maintain an accurate registry of names and addresses of all persons regulated by the board;

(12) Keep accurate and complete records of its proceedings, and certify the same as may be necessary and appropriate;

(13) Issue, renew, combine, deny, suspend, revoke or reinstate licenses and registrations pursuant to the provisions of this article;

(14) Establish a fee schedule;

(15) Take all actions necessary and proper to effectuate the purposes of this article; and

(16) Propose rules in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this article.

(c) The board may:

(1) Approve and contract with third parties to administer the examinations required under the provisions of this article;

(2) Sue and be sued in its official name as an agency of this state;

(3) Confer with the Attorney General or his or her assistants in connection with legal matters and questions; and

(4) Perform random audits of continuing education, supervision records and documentation of licensure and registration requirements to determine compliance with this article.

§30-32-7. Rulemaking.

(a) The board shall propose rules for legislative approval, in accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement the provisions of this article, including:

(1) Standards and requirements for licenses and registrations;

(2) Requirements, qualifications and designation of third parties to establish educational requirements and to prepare and/or administer examinations and reexaminations;

(3) Procedures for the issuance and renewal of a license, registration and provisional license;

(4) A fee schedule;

(5) Continuing education and competency requirements for licensees and registrants;

(6) Establishment of competency standards;

(7) The procedures for denying, suspending, revoking, reinstating or limiting the practice of a licensee or registrant;

(8) Requirements for reinstatement of revoked licenses and registrations;

(9) Guidelines for telepractice;

(10) Rules to define the role of the speech-language pathology assistant or audiology assistant, including, but not limited to:

(A) The supervision requirements of licensees;

(B) The ratio of assistants to licensees;

(C) The scope of duties and restrictions of responsibilities of assistants;

(D) The frequency, duration and documentation of supervision required under the provisions of this article; and

(E) The quantity and content of pre-service and in-service instruction.

(11) Professional conduct and ethical standards of practice; and

(12) Any other rules necessary to effectuate the provisions of this article.

(b) The board may promulgate emergency rules in accordance with section fifteen, article three, chapter twenty-nine-a of this code to establish requirements and procedures for telepractice in accordance with the provisions of this article, including the scope of duties and restrictions of assistants in telepractice.

(c) All rules in effect on January 1, 2013, shall remain in effect until they are amended or repealed, and references to provisions of former enactments of this article are interpreted to mean provisions of this article.

§30-32-8. Funds.

(a) All fees and other moneys, except administrative fines, received by the board shall be deposited in a separate special revenue

fund in the State Treasury designated the “Board of Examiners for Speech-Language Pathology and Audiology Fund”, which is continued. The fund is used by the board for the administration of this article. Except as may be provided in article one of this chapter, the board retains the amount in the special revenue account from year to year. No compensation or expense incurred under this article is a charge against the General Revenue Fund.

(b) Any amount received as fines, imposed pursuant to this article, shall be deposited into the General Revenue Fund of the State Treasury.

§30-32-9. Qualifications for licensure as a speech-language pathologist.

(a) To be eligible for licensure by the board as a speech-language pathologist, the applicant shall:

(1) Make application to the board, upon a form prescribed by the board;

(2) Pay to the board an application fee as established by the board;

(3) Possess at least a master’s degree or equivalent in speech-language pathology from an educational institution approved by the board which consists of coursework approved by the board and delineated in legislative rule;

(4) Complete supervised clinical practicum experiences from an educational institution or its cooperating programs, the content of which shall be approved by the board and delineated in the rules;

(5) Complete a postgraduate professional experience as approved by the board and described in legislative rule;

(6) Pass the national examination in speech-language pathology;
and

(7) Pass a jurisprudence examination developed by the board.

(b) Subject to the renewal requirements set forth in section seventeen of this article, a license issued by the board under prior enactments of this article shall for all purposes be considered a license issued under this article.

§30-32-10. Qualifications for licensure as an audiologist.

(a) To be eligible for licensure by the board as an audiologist, the applicant shall:

(1) Make application to the board, upon a form prescribed by the board;

(2) Pay to the board an application fee as established by the board;

(3) Possess at least a master's degree or equivalent in audiology from an educational institution approved by the board which consists of coursework approved by the board and delineated in legislative rule;

(4) Complete supervised clinical practicum experiences from an educational institution or its cooperating programs, the content of which shall be approved by the board and delineated in the rules;

(5) Complete a postgraduate professional experience as approved by the board and described in legislative rule;

(6) Pass the national examination in audiology; and

(7) Pass a jurisprudence examination developed by the board.

(b) Subject to the renewal requirements set forth in section seventeen of this article, a license issued by the board under prior enactments of this article shall for all purposes be considered a license issued under this article.

§30-32-11. Provisional licenses.

(a) The board may issue a provisional license to an applicant who is in the process of obtaining postgraduate professional experience and who:

(1) Meets the academic, practicum, and examination requirements of this article;

(2) Submits an application to the board, upon a form prescribed by the board, including a plan for the content of the postgraduate professional experience; and

(3) Pays the fee.

(b) A provisional licensee may practice speech-language pathology or audiology under the general supervision of a licensed speech pathologist or audiologist only in the professional field for which the provisional license was issued.

(c) The provisional license shall be valid for a term of one year and may be renewed.

§30-32-12. Waiver of requirements; practice pending disposition of application.

(a) The board shall waive the national examination requirements in speech-language pathology and/or audiology for an applicant who either:

(1) Presents proof of current licensure in a state that has standards that are substantially equivalent to those of this state; or

(2) Holds a certificate of clinical competence in speech-language pathology or audiology from the American Speech-Language-Hearing Association in the professional field for which they seek licensure.

(b) An applicant who holds current licensure from another state with substantially equivalent standards or who holds the certificate of clinical competence from the American Speech-Language-Hearing Association may practice speech-language pathology or audiology in this state, pending the board's disposition of the application, if the applicant:

(1) Is practicing in the professional field in which the licensure or certificate of clinical competence was granted; and

(2) Has filed an application with the board and paid the appropriate application fee.

§30-32-13. Scope of practice for speech-language pathology.

The scope of practice for speech-language pathology includes:

(1) Prevention, screening, consultation, assessment and diagnosis, treatment, intervention, management, counseling and follow-up services for disorders of speech (i.e., articulation, fluency, resonance and voice), language (i.e., phonology, morphology, syntax, preliteracy and language-based skills), swallowing or other upper aerodigestive functions;

(2) Cognitive aspects of communication (i.e., attention, memory, problem solving);

(3) Establishing augmentative and alternative communication techniques and strategies, including developing, selecting and prescribing of systems and devices (e.g., speech generating devices) and providing training in their use;

(4) Providing services to individuals with hearing loss and their families (e.g., Auditory training, speech reading, speech and language intervention secondary to hearing loss);

(5) Screening hearing of individuals who can participate in conventional puretone air conduction methods and screening

middle ear pathology through screening tympanometry for the purpose of referral for further evaluation: *Provided*, That judgments and descriptive statements about the results of the screenings are limited to pass/fail determinations;

(6) Using instrumentation (e.g., videofluoroscopy) to observe, collect data and measure parameters of communication and swallowing as directed by a licensed physician; and

(7) Selecting, fitting and establishing effective use of prosthetic/adaptive devices for communication, swallowing or other upper aerodigestive functions.

§30-32-14. Scope of practice for audiology.

(a) The scope of practice for audiology includes:

(1) Facilitating the conservation of Auditory system function, developing and implementing environmental and occupational hearing conservation programs;

(2) Screening, identifying, assessing and interpreting, preventing and rehabilitating peripheral and central Auditory system disorders;

(3) Providing and interpreting behavioral and electro-physiological measurements of Auditory and vestibular functions;

(4) Selecting, fitting, programming and dispensing of amplification, assistive listening and alerting devices and programming and other systems (e.g., implantative devices) and providing training in their use;

(5) Providing audiologic and aural rehabilitation and related counseling services to individuals with hearing impairments and their families;

(6) Providing vestibular rehabilitation;

(7) Cerumen removal; and

(8) Screening of speech-language and other factors affecting communication disorders: *Provided*, That judgments and descriptive statements about the results of the screenings are limited to pass/fail determinations.

(b) A person licensed under this article as an audiologist is not required to obtain a license under the provisions of article twenty-six of this chapter.

§30-32-15. Speech-language pathology and audiology assistants; supervision requirements.

(a) Commencing July 1, 2014, speech-language pathology assistants and audiology assistants shall register with the board and shall:

(1) Possess a minimum of an associate's degree from an institution or technical training program with a program of study designed to prepare the student to be a speech language pathology or audiology assistant;

(2) Work only under the supervision of a licensee licensed in the professional field in which the assistant is working; and

(3) Meet all requirements set by the board.

(b) Licensees who supervise assistants shall:

(1) Report to the board the name and field of practice of each assistant working under the licensee's supervision;

(2) Complete initial supervision training prior to accepting an assistant for supervision and upgrade supervision training as required by the board;

(3) Document preservice training and credentials of the assistant;

(4) Provide direct supervision of the first three hours of treatment by the assistant for each patient or client, followed by a minimum of one direct observation for each subsequent two week period and document the direct observation;

(5) Provide general supervision and be responsible for the extent, kind and quality of service provided by the assistant and for all services provided by the assistant;

(6) Ensure that persons receiving services from an assistant receive prior written notification that services are to be provided, in whole or in part, by an assistant; and

(7) Meet all other requirements set by the board.

§30-32-16. Telepractice services.

(a) Licensed speech-language pathologists and audiologists may provide services in this state by telepractice.

(b) Speech-language pathologists and audiologists providing services by telepractice shall deliver services consistent with the quality of services delivered in person, and shall:

(1) Acquire written informed consent from the student, patient or client before the services are provided;

(2) Maintain the confidentiality of the student, patient or client as required by law;

(3) Provide documentation of the delivery of services;

(4) Train assistants before allowing them to assist in the delivery of service by telepractice, and document the training and delivery of service by the assistants; and

(5) Meet any other requirements set by the board.

§30-32-17. Renewal of license or registration; renewal of lapsed license or registration; suspension, revocation and refusal to renew; reinstatement of revoked license or registration.

(a) Licenses, except provisional licenses, and registrations may be renewed biennially, upon documentation of required continuing education and payment of a renewal fee.

(b) A license or registration which has lapsed may be renewed within one year of its expiration date in the manner set by the board.

(c) A license or registration which has lapsed for more than one year but fewer than five years may be reinstated, upon documentation of continuing education credits earned during the lapsed period equal to the credits required for renewal and payment of a reinstatement fee.

(d) A license or registration which has lapsed for more than five years may not be reinstated. A new license or registration may be issued to an applicant who complies with the requirements relating to the issuance of an original license or registration in effect at the time of the application.

(e) The board may suspend, revoke or refuse to renew a license or registration for any reason which would justify the denial of an original application for licensure or registration.

(f) The board may consider the reinstatement of a license or registration which has been revoked upon a showing that the applicant can resume practicing with reasonable skill and safety.

§30-32-18. Actions to enjoin violations.

(a) If the board obtains information that any person has engaged in, is engaging in or is about to engage in any act which constitutes

or will constitute a violation of the provisions of this article, the rules promulgated pursuant to this article, or a final order or decision of the board, it may issue a notice to the person to cease and desist in engaging in the act and/or apply to the circuit court in the county of the alleged violation for an order enjoining the act.

(b) The circuit courts of this state may issue a temporary injunction pending a decision on the merits, and may issue a permanent injunction based upon its findings in the case.

(c) The judgment of the circuit court on an application permitted by the provisions of this section is final unless reversed, vacated or modified on appeal to the West Virginia Supreme Court of Appeals.

§30-32-19. Complaints; investigations; due process procedure; grounds for disciplinary action.

(a) The board may upon its own motion based upon credible information, and shall, upon the written complaint of any person, cause an investigation to be made to determine whether grounds exist for disciplinary action under this article or the legislative rules of the board.

(b) Upon initiation or receipt of the complaint, the board shall provide a copy of the complaint to the licensee or registrant.

(c) After reviewing any information obtained through an investigation, the board shall determine if probable cause exists that the licensee or registrant has violated any provision of this article.

(d) Upon a finding that probable cause exists that the licensee or registrant has violated any provision of this article or rules promulgated pursuant to this article, the board may enter into a consent decree or hold a hearing for the suspension or revocation of the license or registration or the imposition of sanctions against the licensee or registrant.

(e) Any member of the board may issue subpoenas and subpoenas duces tecum to obtain testimony and documents to aid in the investigation of allegations against any person regulated by the article.

(f) Any member of the board may sign a consent decree or other legal document on behalf of the board.

(g) The board may, after notice and opportunity for hearing, deny or refuse to renew, suspend or revoke the license or registration of, impose probationary conditions upon or take disciplinary action against, any licensee or registrant for any of the following reasons once a violation has been proven by a preponderance of the evidence:

(1) Obtaining a license or registration by fraud, misrepresentation or concealment of material facts;

(2) Being convicted of a felony or misdemeanor crime of moral turpitude;

(3) Being guilty of unprofessional conduct as defined by legislative rule of the board;

(4) Violating provisions of this article, rule or a lawful order of the board;

(5) Providing substandard care due to a deliberate or negligent act or failure to act regardless of whether actual injury to a patient or client is established;

(6) As an assistant, exceeding the authority to perform components of service selected and delegated by the supervising speech-language pathologist or audiologist regardless of whether actual injury to a patient is established;

(7) Knowingly delegating responsibilities to an individual who does not have the knowledge, skills or abilities to perform those responsibilities;

(8) As a licensee, failing to provide appropriate supervision to a speech-language pathology assistant or audiology assistant in accordance with this article and legislative rules of the board;

(9) Practicing when competent services to recipients may not be provided due to physical or mental impairment;

(10) Having had a speech-language pathologist or audiologist license or assistant registration revoked or suspended, other disciplinary action taken, or an application for licensure or registration refused, revoked or suspended by the proper authorities of another jurisdiction;

(11) Engaging in sexual misconduct which includes:

(A) Initiating or soliciting sexual relationships, whether consensual or nonconsensual, while a professional relationship exists between the licensee or registrant and a patient or client; or

(B) Making sexual advances, requesting sexual favors or engaging in physical contact of a sexual nature with a patient or client;

(12) Aiding or abetting a person who is not licensed or registered in this state and who directly or indirectly performs activities requiring a license or registration;

(13) Abandoning or neglecting a patient or client in need of immediate professional care without making reasonable arrangements for the continuation of care; or

(14) Engaging in any act which has endangered or is likely to endanger the health, welfare or safety of the public.

(h) Disciplinary action may include:

(1) Reprimand;

(2) Probation;

(3) Administrative fine, not to exceed \$1,000 per day per violation;

(4) Mandatory attendance at continuing education seminars or other training;

(5) Practicing under supervision or other restriction;

(6) Requiring the licensee or registrant to report to the board for periodic interviews for a specified period of time;

(7) Denial, suspension, revocation or nonrenewal of license or registration; or

(8) Other disciplinary action considered by the board to be necessary to protect the public, including advising other parties whose legitimate interests may be at risk.

§30-32-20. Procedures for hearing; right of appeal.

(a) Notice and hearing requirements are governed by the provisions of article one of this chapter.

(b) The board may conduct the hearing or elect to have an administrative law judge conduct the hearing.

(c) If the hearing is conducted by an administrative law judge, the administrative law judge shall prepare a proposed written order at the conclusion of a hearing containing findings of fact and conclusions of law. The proposed order may contain proposed disciplinary actions if the board so directs. The board may accept, reject or modify the decision of the administrative law judge.

(d) Any member of the board has the authority to administer oaths, examine any person under oath and issue subpoenas and subpoenas duces tecum.

(e) If, after a hearing, the board determines the licensee or registrant has violated any provision of this article or the board's rules, a formal written decision shall be prepared which contains findings of fact, conclusions of law and a specific description of the disciplinary actions imposed.

§30-32-21. Judicial review.

Any licensee or registrant adversely affected by a decision of the board entered after a hearing may obtain judicial review of the decision in accordance with section four, article five, chapter twenty-nine-a of this code, and may appeal any ruling resulting from judicial review in accordance with article six, chapter twenty-nine-a of this code.

§30-32-22. Single act evidence of practice.

In any action brought or in any proceeding initiated under this article, evidence of the commission of a single act prohibited by this article is sufficient to justify a penalty, injunction, restraining order or conviction without evidence of a general course of conduct.

§30-32-23. Required update of review of Legislative Auditor.

On or before December 1, 2014, the Legislative Auditor shall update the Sunrise Report of January 2013 on the requirements for speech-language pathologists, audiologists and assistants to practice in public schools, and present the report to the Joint Standing Committee on Government Organization, with recommendations.

On motion of Senator Palumbo, the following amendment to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. No. 2531) was next reported by the Clerk and adopted:

On page two, section one, subsection (d), by striking out “\$5,000” and inserting in lieu thereof “\$500”.

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. No. 2531), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2534, Relating to the regulation of pawn brokers.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Snyder, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the bill was withdrawn.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §47-26-1, §47-26-2, §47-26-3 and §47-26-4, all to read as follows:

ARTICLE 26. PAWNBROKERS.

§47-26-1. Definitions.

(a) “Pawnbroker” means any person, partnership, association or corporation or employee thereof advancing money in a pawn

transaction in exchange for collateral in the property of the pledgor. Pawnbroker does not mean any bank which is regulated by the West Virginia Division of Financial Institutions; the Comptroller of the Currency of the United States; the Federal Deposit Insurance Corporation; the Board of Governors of the Federal Reserve System or any other federal or state authority; and all affiliates thereof and any bank or savings and loan association whose deposits or accounts are eligible for insurance by the Bank Insurance Fund or the Savings Association Insurance Fund or other fund administered by the Federal Deposit Insurance Corporation all affiliates thereof, any state or federally chartered credit union, and any finance company subject to licensing and regulation by the West Virginia Division of Financial Institutions.

(b) “Pawn transaction” means a transaction between a pawnbroker and a pledgor where the pledgor’s property is placed in the possession of the pawnbroker as security for money or other valuable consideration provided to the pledgor on the condition that the pledgor may pay a pawn charge and redeem his or her property within a predetermined time frame. Pawn transactions do not include those transactions where securities, titles or printed evidence of indebtedness are used as security for the transaction.

(c) “Pledgor” means a person who delivers the pledge into the possession of a pawnbroker.

(d) “purchase” or “purchase transaction” means the transfer and delivering of goods by a person to a pawnbroker by acquisition for value, consignment or trade for other goods. This definition does not include purchases by pawnbrokers of items not used or intended for resale, consignment or trade of the item to another.

§47-26-2. Purchase and Pawn Transaction Records.

(a) All pawnbrokers shall make and maintain a transaction report on all purchase or pawn transactions, except for refinance pawn transactions or merchandise bought from a manufacturer or

wholesaler with an established place of business. The required transaction report shall include the following:

- (1) The date of the transaction;
- (2) The name of the seller;
- (3) The name of the clerk who handled the transaction;
- (4) The corresponding pawn ticket number;
- (5) The terms of the loan or purchase;

(6) A copy of the seller's or pledger's government photo identification and type; Provided, That if the seller or pledger does not have a government issued photo identification, the pawnbroker shall have a photograph of the seller or pledger; and

- (8) A detailed description of the property.

(b) For purposes of meeting the requirements of subsection (a) of this section, a detailed description of the property shall include the following:

(1) In the case of firearms, the description shall include the brand, model, caliber, type, and serial number;

(2) In the case of jewelry, the type of jewelry presented, the karat weight, whether it is made of white gold, yellow gold or other precious metals, and other description of the stones, shape, cut, and oddities, etc. which are sufficient to describe the article of jewelry;

(3) In the case of other types of articles and property, the description shall include the type of article, brand, model and serial number on the article, or any other such identifying information or description to which is sufficient to specifically describe the item or property.

(c) The seller or pledger shall be required to sign the pawn transaction statement or purchase transaction statement; and a signed statement from the seller or pledger affirming ownership shall appear on the bill of sale or pawn ticket that is completed by the seller or pledger at the time of the transaction.

(d) The pawnbroker shall maintain the original of all purchase or pawn transaction statements for three years, and shall make the original copies of the purchase or pawn transaction statements available for inspection by law enforcement officers and law enforcement agencies upon request during the posted hours of operation of the business.

(e) The information required to be collected pursuant to this section is confidential, is not public record, and should only be disclosed as provided in this section or otherwise provided by law: Provided, That the confidential nature of this information in no way impedes the pawnbroker's duty to accurately collect and timely provide the information to law enforcement.

§47-26-3. Penalties; pawnbroker.

A pawnbroker who violates the provisions of this article is guilty of a misdemeanor, and shall be fined not less than \$100 and not more than \$200 for each offense.

§47-26-4. County and municipal regulation of pawnbrokers.

This article may not be construed to prohibit or otherwise limit any county or municipality of this state from adopting an ordinance, to the extent that the ordinance does not conflict or create lesser requirements than this article or any other provision of this code, establishing additional requirements of pawnbrokers within its jurisdiction. Pawnbrokers located in a county or municipality in which an ordinance establishes reporting requirements to local law-enforcement officials are not required to provide duplicate information to other law-enforcement officials pursuant to section three of this article.

The bill (Eng. Com. Sub. for H. B. No. 2534), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2538, Expiring, supplementing, amending, increasing, and adding items of appropriation in various accounts.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the balance of the funds available for expenditure in the fiscal year ending June 30, 2013, in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, activity 236, be decreased by expiring the amount of \$5,500,000, and in the State Election Commission, Supreme Court Public Campaign Financing Fund, fund 1690, fiscal year 2013, organization 1601, be decreased by expiring the amount of \$1,500,000, and in the Department of Administration, Office of the Secretary, State Employee Sick Leave Fund, fund 2045, fiscal year 2013, organization 0201, be decreased by expiring the amount of \$2,500,000, and in the Department of Administration, Division of General Services, Education, Arts, Sciences and Tourism Debt Service Fund, fund 2252, fiscal year 2013, organization 0211, be decreased by expiring the amount of \$18,317,356.29, and in the Department of Administration, Division of General Services, 2004 Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2013, organization 0211, be decreased by expiring the amount of \$3,800,000, and in the Department of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund, fund 2367, fiscal year 2013, organization 0218, be decreased by expiring the amount of \$8,000,000, and in the West Virginia Health Care Authority, Health Care Cost Review Fund, fund

5375, fiscal year 2013, organization 0507, be decreased by expiring the amount of \$5,000,000, and in the Department of Health and Human Resources, Division of Human Services, Low Income Energy Assistance Program Fund, fund 5081, fiscal year 2013, organization 0511, be decreased by expiring the amount of \$2,000,000, and in the Department of Revenue, State Budget Office, Public Employees Insurance Reserve Fund, fund 7400, fiscal year 2013, organization 0703, be decreased by expiring the amount of \$4,600,000, and in the Department of Revenue, Insurance Commissioner, Insurance Commission Fund, fund 7152, fiscal year 2013, organization 0704, be decreased by expiring the amount of \$24,500,000, and in the Department of Revenue, Lottery Commission, Revenue Center Construction Fund, fund 7209, fiscal year 2013, organization 0705, be decreased by expiring the amount of \$14,736,022, and in the Public Service Commission, fund 8623, fiscal year 2013, organization 0926, be decreased by expiring the amount of \$3,000,000 all to the unappropriated surplus balance of the State Fund, General Revenue, to be available for appropriation during the fiscal year ending June 30, 2013.

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 0105, fiscal year 2013, organization 0100, be supplemented and amended by adding a new item of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 1. Appropriations from General Revenue.

EXECUTIVE

7-Governor's Office -

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2013 Org 0100

	Act- ivity	General Revenue Fund
1a 2012 Natural Disasters		
- Surplus (R)	135	\$ 2,000,000

Any federal reimbursements received to remunerate disbursements from this activity or funds transferred from this activity shall be credited back to this activity.

Any unexpended balance remaining in the appropriation for 2012 Natural Disasters - Surplus (fund 0105, activity 135) at the close of fiscal year 2013 is hereby reappropriated for expenditure during the fiscal year 2014.

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 0203, fiscal year 2013, organization 0209, be supplemented and amended by adding a new item of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF ADMINISTRATION

20-Division of Finance

(WV Code Chapter 5A)

Fund 0203 FY 2013 Org 0209

Act- ivity	General Revenue Fund
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10a Enterprise Resource Planning		
10b	System - Surplus	872 \$ 30,000,000

The above appropriation for Enterprise Resource Planning System - Surplus (activity 872), shall be transferred to the West Virginia Enterprise Resource Planning Board, fund 9080, organization 0947.

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 0256, fiscal year 2013, organization 0307, be supplemented and amended by adding a new item of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF COMMERCE

36-West Virginia Development Office

(WV Code Chapter 5B)

Fund 0256 FY 2013 Org 0307

	Act- ivity	General Revenue Fund
5a Unclassified - Surplus (R)	097	\$ 3,500,000

Any unexpended balance remaining in the above appropriation for Unclassified - Surplus (fund 0256, activity 097) at the close of the fiscal year 2013 is hereby reappropriated for expenditure during the fiscal year 2014.

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 0265, fiscal year 2013, organization 0310, be supplemented and amended by adding a new item of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF COMMERCE

39-Division of Natural Resources

(WV Code Chapter 20)

Fund 0265 FY 2013 Org 0310

	Act- ivity	General Revenue Fund
12a Operating Expenses		
- Surplus (R).	779	\$ 1,000,000

Any unexpended balance remaining in the above appropriation for Operating Expenses - Surplus (fund 0265, activity 779) at the close of the fiscal year 2013 is hereby reappropriated for expenditure during the fiscal year 2014.

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 0294, fiscal year 2013, organization 0431, be supplemented and amended by adding a new item of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF EDUCATION AND THE ARTS

54-Department of Education and the Arts -

Office of the Secretary

(WV Code Chapter 5F)

Fund 0294 FY 2013 Org 0431

	Act- ivity	General Revenue Fund
14a Educational Enhancements		
- Surplus	927	\$ 500,000

Any unexpended balance remaining in the above appropriation for Educational Enhancements - Surplus (fund 0294, activity 927) at the close of the fiscal year 2013 is hereby reappropriated for expenditure during the fiscal year 2014.

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 0525, fiscal year 2013, organization 0506, be supplemented and amended by increasing an existing item of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

64-Consolidated Medical Service Fund

(WV Code Chapter 16)

Fund 0525 FY 2013 Org 0506

	Act- ivity	General Revenue Fund
6 Behavioral Health Program		
- Surplus (R)	631	\$ 3,662,312

Any unexpended balance remaining in the above appropriation for Behavioral Health Program - Surplus (fund 0525, activity 631) at the close of the fiscal year 2013 is hereby reappropriated for expenditure during the fiscal year 2014.

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 0403, fiscal year 2013, organization 0511, be supplemented and amended by increasing existing items of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

67–Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2013 Org 0511

	Act- ivity	General Revenue Fund
9 Medical Services - Surplus (R)	633	\$ 34,384,273
10 Social Services - Surplus (R)	082	\$ 4,717,147

Any unexpended balance remaining in the above appropriation for Medical Services - Surplus (fund 0403, activity 633) at the close of the fiscal year 2013 is hereby reappropriated for expenditure during the fiscal year 2014.

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 0430, fiscal year 2013, organization 0601, be supplemented and amended by adding new items of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 1. Appropriations from general revenue.

**DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY**

68-Department of Military Affairs and Public Safety -

Office of the Secretary

(WV Code Chapter 5F)

Fund 0430 FY 2013 Org 0601

	Act- ivity	General Revenue Fund
9a Substance Abuse		
9b Program - Surplus (R)	696	\$ 3,000,000
9c Justice Reinvestment		
9d Training - Surplus (R)	699	\$ 500,000

Any unexpended balances remaining in the above appropriations for Substance Abuse Program - Surplus (fund 0430, activity 696) and Justice Reinvestment Training - Surplus (fund 0430, activity

699) at the close of the fiscal year 2013 are hereby reappropriated for expenditure during the fiscal year 2014.

The above appropriations for Substance Abuse Program - Surplus (fund 0430, activity 696) and Justice Reinvestment Training - Surplus (fund 0430, activity 699) shall be used for substance abuse and training initiatives designed to increase public safety and decrease the recidivism rate in West Virginia.

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 0450, fiscal year 2013, organization 0608, be supplemented and amended by adding new items of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY

74-Division of Corrections -

Correctional Units

(WV Code Chapters 25, 28, 49 and 62)

Fund 0450 FY 2013 Org 0608

	Act- ivity	General Revenue Fund
14a Capital Improvements		
- Surplus (R)	661	\$ 6,000,000
15a Capital Outlay, Repairs and		
15b Equipment - Surplus (R)	677	\$ 4,900,000

18a Operating Expenses		
- Surplus (R)	779	\$ 2,000,000

Any unexpended balances remaining in the above appropriations for Capital Improvements - Surplus (fund 0450, activity 661), Capital Outlay, Repairs and Equipment - Surplus (fund 0450, activity 677), and Operating Expenses - Surplus (fund 0450, activity 779) at the close of the fiscal year 2013 are hereby reappropriated for expenditure during the fiscal year 2014.

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 0596, fiscal year 2013, organization 0420, be supplemented and amended by adding a new item of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 1. Appropriations from general revenue.

HIGHER EDUCATION

92-West Virginia Council for

Community and Technical College Education-

Control Account

(WV Code Chapter 18B)

Fund 0596 FY 2013 Org 0420

	Act- ivity	General Revenue Fund
2a Unclassified - Surplus (R)	097	\$ 80,758

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 0586, fiscal year 2013, organization 0442, be supplemented and amended by adding a new item of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 1. Appropriations from general revenue.

HIGHER EDUCATION

94-Higher Education Policy Commission -

System -

Control Account

(WV Code Chapter 18B)

Fund 0586 FY 2013 Org 0442

	Act- ivity	General Revenue Fund
2a Unclassified - Surplus (R)	097	\$ 4,247,234

From the above appropriation for Unclassified-Surplus (fund 0586, activity 097) no less than \$4,000,000 is to be used for Glenville State College for capital improvements.

The purpose of this supplemental appropriation bill is to expire, supplement, amend, increase, and add items of appropriation in the aforesaid accounts for the designated spending units for expenditure during the fiscal year 2013.

The bill (Eng. Com. Sub. for H. B. No. 2538), as amended, was then ordered to third reading.

Eng. House Bill No. 2541, Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Department of Health and Human Resources, Division of Human Services.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2567, Relating to limited partnerships.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 9. UNIFORM LIMITED PARTNERSHIP ACT.

§47-9-10a. Administrative dissolution of a limited partnership; reinstatement; appeals.

(a) The Secretary of State may commence a proceeding to administratively dissolve a limited partnership if the limited partnership does not:

(1) Pay all applicable fees, franchise taxes or penalties imposed by this chapter or other law within sixty days after the due date; or

(2) Deliver its annual report to the Secretary of State within sixty days after the due date: or

(3) The professional license of one or more of the license holders is revoked by a professional licensing board and the license is required for the continued operation of the limited partnership; or

(4) The limited partnership is in default with the Bureau of Employment Programs as provided in section six, article two, chapter twenty-one-a of this code.

(b) If the Secretary of State determines that adequate grounds exist to administratively dissolve a limited partnership, the Secretary of State shall make and file a record of the determination and serve the limited partnership with a notice of the determination along with copy of the record by certified mail.

(1)(A) The limited partnership must correct each issue described in the dissolution record or take reasonable steps toward correcting each issue within sixty days of service of the record on the limited partnership.

(B) If the limited partnership fails to take adequate steps toward correcting the issue or issues described in the record, the Secretary of State may administratively dissolve the limited partnership by signing the certification of dissolution.

(C) The Secretary of State shall file the original certificate of dissolution and serve a copy of the certificate of dissolution to the limited partnership by certified mail.

(2) A limited partnership that has been administratively dissolved may continue its existence only to the extent necessary to wind up and liquidate its business and affairs.

(3) The administrative dissolution of a limited partnership does not terminate the authority of its agent for service of process.

(c) A limited partnership that has been administratively dissolved may apply to the Secretary of State for reinstatement within two

years after the effective date of dissolution. The application for reinstatement must:

(1) Recite the name of the limited partnership and the effective date of its administrative dissolution;

(2) Demonstrate that the grounds for dissolution either did not exist or have been eliminated;

(3) Demonstrate that the limited partnership's name satisfies the requirements of section two, article nine, chapter forty-seven of this code; and

(4) Contain a certificate from the Tax Commissioner reciting that all taxes owed by the limited partnership have been paid.

(d) (1) If the Secretary of State determines that the application for reinstatement contains the information required by subsection (c) of this section and that the information is accurate, the Secretary of State shall cancel the certificate of dissolution and prepare a certificate of reinstatement that recites this determination and the effective date of reinstatement.

(2) The Secretary of State shall file the certificate of reinstatement and serve the limited partnership with a copy of the certificate.

(e) When the Secretary of State grants a reinstatement, the reinstatement relates back to and takes effect as of the effective date of the administrative dissolution and the limited partnership resumes its business as if the administrative dissolution had never occurred.

(f) If the Secretary of State denies a limited partnership's application for reinstatement following administrative dissolution, the Secretary of State shall serve the limited partnership with a notice that explains the reason or reasons for denial.

(g) A limited partnership may appeal a denial of reinstatement by filing a petition to set aside the dissolution in the circuit court of Kanawha County within thirty days after the date upon which the limited partnership received notice of the denial of reinstatement. The petition shall include a copy of the Secretary of State's certificate of dissolution, the limited partnership's application for reinstatement and the Secretary of State's notice of denial. A copy of the petition shall be served on the Secretary of State by certified mail.

(h) If a reinstatement is granted by the court, the reinstatement relates back to and takes effect as of the effective date of the administrative dissolution and the limited partnership resumes its business as if the administrative dissolution had never occurred.

§47-9-44. Nonjudicial dissolution.

A limited partnership is dissolved and its affairs shall be wound up upon the happening of the first to occur of the following:

(1) At the time or upon the happening of events specified in the certificate of limited partnership;

(2) Upon the happening of events specified in writing in the partnership agreement;

(3) The written consent of all partners;

(4) An event of withdrawal of a general partner, unless at the time there is at least one other general partner and the written provisions of the partnership agreement permit the business of the limited partnership to be carried on by the remaining general partner and that partner does so, but the limited partnership is not dissolved and is not required to be wound up by reason of any event of withdrawal if, within ninety days after the withdrawal, all partners agree in writing to continue the business of the limited partnership

and to the appointment of one or more additional general partners if necessary or desired; or

(5) Entry of a decree of judicial dissolution under section forty-five of this article; or

(6) Signing of a certificate of dissolution by the Secretary of State under section ten-a of this article.

§47-9-53a. Revocation and reinstatement of foreign limited partnership certificates of authority.

(a) The Secretary of State may revoke a certificate of authority of a foreign limited partnership to transact business in this state in the manner set forth in subsection (b) of this section if:

(1) The limited partnership fails to:

(A) Pay all applicable fees, franchise taxes and penalties owed to the state within sixty days after the due date;

(B) Deliver its annual report within sixty days of the due date; or

(C) File a statement to change a name or business address of an agent as required by this article; or

(2) The limited partnership has made a misrepresentation of any material fact in any application, report, affidavit or other record submitted pursuant to this article: or

(3) The professional license of one or more of the license holders is revoked by a professional licensing board and the license is required for the continued operation of the limited partnership; or

(4) The limited partnership is in default with the Bureau of Employment Programs as provided in section six, article two, chapter twenty-one-a of this code.

(b) (1) The Secretary of State may not revoke a certificate of authority of a foreign limited partnership unless the Secretary of State serves notice to the foreign limited partnership of the Secretary's intent to revoke the foreign limited partnership's certificate of authority at least sixty days prior to the effective date of the revocation, by a notice addressed to the foreign limited partnership's principal office.

(2) The notice must specify the cause for the revocation of the certificate of authority.

(3) The authority of the foreign limited partnership to transact business in this state ceases on the effective date of the revocation.

(c) A foreign limited partnership that has been administratively revoked may apply to the Secretary of State for reinstatement within two years after the effective date of revocation. The application must:

(1) Recite the name of the foreign limited partnership and the effective date of its administrative revocation;

(2) Demonstrate that the grounds for revocation either did not exist or have been eliminated;

(3) Demonstrate that the foreign limited partnership's name satisfies the requirements of section two, article nine, chapter forty-seven of this code; and

(4) Contain a certificate from the Tax Commissioner reciting that all taxes owed by the foreign limited partnership have been paid.

(d) If the Secretary of State determines that the application for reinstatement contains the information required by subsection (c) of this section and that the information is correct, the Secretary of State shall cancel the certificate of revocation and prepare a

certificate of reinstatement that recites this determination and the effective date of reinstatement.

(2) The Secretary of State shall file the certificate of reinstatement, and serve the foreign limited partnership with a copy of the certificate.

(e) When the Secretary of State grants a reinstatement, the reinstatement relates back to and takes effect as of the effective date of the administrative revocation and the foreign limited partnership resumes its business as if the administrative revocation had never occurred.

The bill (Eng. Com. Sub. for H. B. No. 2567), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2571, Relating to who may serve as members of the environmental quality board.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

On page four, section one, line forty-six, after the word "Protection" by changing the period to a colon and inserting the following proviso: *Provided*, That no board member may vote on any matter concerning a permit issued to a department or agency of the state by which the member is or has been employed.

The bill (Eng. Com. Sub. for H. B. No. 2571), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2577, Relating to the practice of pharmacist care.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Stollings, as chair of the Committee on Health and Human Resources, and by unanimous consent, the unreported Health and Human Resources committee amendment to the bill was withdrawn.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §30-5-1a, §30-5-1b, §30-5-2a, §30-5-3a, §30-5-5a, §30-5-5b, §30-5-6a, §30-5-7a, §30-5-7b, §30-5-7c, §30-5-9a, §30-5-10a, §30-5-12c, §30-5-14a, §30-5-14b, §30-5-16a, §30-5-16b, §30-5-16c and §30-5-22a of the Code of West Virginia, 1931, as amended, be repealed; that §29-29-3 of said code be amended and reenacted; that §30-5-1, §30-5-2, §30-5-3, §30-5-4, §30-5-5, §30-5-6, §30-5-7, §30-5-8, §30-5-9, §30-5-10, §30-5-11, §30-5-12, §30-5-13, §30-5-14, §30-5-15, §30-5-16, §30-5-17, §30-5-18, §30-5-19, §30-5-20, §30-5-21, §30-5-22, §30-5-23, §30-5-24, §30-5-26, §30-5-27, §30-5-28 and §30-5-30 of said code be amended and reenacted; that said code be amended by adding thereto six new sections, designated §30-5-25, §30-5-29, §30-5-31, §30-5-32, §30-5-33 and §30-5-34; that §60A-8-7 of said code be amended and reenacted; that §60A-10-3 of said code be amended and reenacted; and that §60A-10-5 of said code be amended and reenacted, all to read as follows:

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 29. VOLUNTEER FOR NONPROFIT YOUTH ORGANIZATIONS ACT.

§29-29-3. Definitions.

As used in this article:

(a) “Applicant” means any emergency medical service applicant, law-enforcement applicant or medical services applicant, that is registered as a volunteer of the nonprofit organization, making application for a nonprofit volunteer permit under the provisions of this article.

(b) “Appropriate licensing agency” means the board, department, division or other agency in each jurisdiction charged with the licensing, certification or permitting of persons performing services of the nature and kind described or duties provided for in this article.

(c) “Emergency medical service applicant” means a person authorized to provide emergency medical services in West Virginia, or in another state who but for this article would be required to obtain a certification from the Commissioner of the Bureau for Public Health pursuant to article eight, chapter sixteen of this code to perform emergency medical services in this state.

(d) “Law-enforcement applicant” means a person authorized to work as a law-enforcement officer in West Virginia, or in another state who but for this article would be required to obtain authorization pursuant to article twenty-nine, chapter thirty of this code to work as a law-enforcement officer in this state: Provided, That any person authorized to work as a law-enforcement officer in another state shall have completed a training program approved by the governing authority of a political subdivision in order to work as a law-enforcement officer in that state.

(e) “Medical services applicant” means a person authorized to provide medical services in West Virginia, or in another state who but for this article would be required to obtain authorization to practice in this state, and who is a:

(1) Practitioner of medicine, surgery or podiatry as defined in article three, chapter thirty of this code;

(2) Physician assistant as defined in section three, article three, chapter thirty of this code;

(3) Chiropractor as defined in section three, article sixteen, chapter thirty of this code;

(4) Dentist or dental assistant as defined in article four, chapter thirty of this code;

(5) Nurse as defined in article seven or seven-a, chapter thirty of this code;

(6) Nurse practitioner as defined in section one, article four-b, chapter nine of this code;

(7) Occupational therapist as defined in section three, article twenty-eight, chapter thirty of this code;

(8) Practitioner of optometry as defined in section three, article eight, chapter thirty of this code;

(9) Osteopathic physician or surgeon as defined in article fourteen, chapter thirty of this code;

(10) Osteopathic physician assistant as defined in article fourteen-a, chapter thirty of this code;

(11) Pharmacist as defined in ~~section one-b~~, article five, chapter thirty of this code;

(12) Physical therapist as defined in article twenty, chapter thirty of this code;

(13) Professional counselor as defined in section three, article thirty-one, chapter thirty of this code;

(14) Practitioner of psychology or school psychologist as defined in section two, article twenty-one, chapter thirty of this code;

(15) Radiologic technologist, nuclear medicine technologist or practitioner of medical imaging and radiation therapy technology as defined in section four, article twenty-three, chapter thirty of this code; and

(16) Social worker licensed by the state Board of Social Work Examiners pursuant to article thirty, chapter thirty of this code.

(f) “Nonprofit volunteer permit” or “permit” means a permit issued to an applicant pursuant to the provisions of this article.

(g) “Nonprofit volunteer permittee” or “permittee” means a person holding a nonprofit volunteer permit issued under the provisions of this article.

(h) “Nonprofit youth organization” or “organization” means any nonprofit organization, including any subsidiary, affiliated or other related entity within its corporate or business structure, that has been chartered by the United States Congress to help train young people to do things for themselves and others, and that has established an area of at least six thousand contiguous acres within West Virginia in which to provide adventure or recreational activities for these young people and others.

(i) “Nonprofit volunteer organization medical director” means an individual licensed in West Virginia as a practitioner of medicine or surgery pursuant to article three, chapter thirty of this code, or an individual licensed in West Virginia as an osteopathic physician or surgeon pursuant to article fourteen, chapter thirty of this code, that has been designated by the nonprofit volunteer organization to serve as the medical director for an event or program offered by the organization.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS,
PHARMACY INTERNS AND PHARMACIES.****§30-5-1. Short title.**

This article shall be known as and may be cited as the “The Larry W. Border Pharmacy Practice Act”.

§30-5-2. Unlawful acts.

(a) It is unlawful for any person in this state to practice or offer to practice pharmacist care without a license pursuant to the provisions of this article; or to practice or offer to assist in the practice of pharmacist care without being registered pursuant to the provisions of this article. Further, it is unlawful to advertise or use any title or description tending to convey or give the impression that he or she is a pharmacist or pharmacy technician, unless the person is licensed or registered under the provisions of this article.

(b) A business entity may not render any service or engage in any activity which, if rendered or engaged in by an individual, would constitute the practice of pharmacist care, except through a licensee.

(c) It is unlawful for the proprietor of a pharmacy or an ambulatory health care facility to permit a person, who is not a licensed pharmacist, to practice pharmacist care: Provided, That a charitable clinic pharmacy may permit a licensed prescribing practitioner to act in place of the pharmacist when no pharmacist is present in the charitable clinic.

§30-5-3. Applicable law.

The practices authorized under the provisions of this article and the Board of Pharmacy are subject to article one of this chapter, the

provisions of this article, and any rules promulgated pursuant this article.

§30-5-4. Definitions.

As used in this article:

(1) “Ambulatory health care facility” includes any facility defined in section one, article five-b, chapter sixteen of this code, that also has a pharmacy, offers pharmacist care, or is otherwise engaged in the practice of pharmacist care.

(2) “Active Ingredients” means chemicals, substances, or other components of articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of diseases in humans or animals or for use as nutritional supplements.

(3) “Administer” means the direct application of a drug to the body of a patient or research subject by injection, inhalation, ingestion or any other means.

(4) “Board” means the West Virginia Board of Pharmacy.

(5) “Board authorization” means a license, registration or permit issued under this article.

(6) “Chain Pharmacy Warehouse” means a permanent physical location for drugs and/or devices that acts as a central warehouse and performs intracompany sales and transfers of prescription drugs or devices to chain pharmacies, which are members of the same affiliated group, under common ownership and control.

(7) “Charitable clinic pharmacy” means a clinic or facility organized as a not-for-profit corporation that has a pharmacy, offers pharmacist care, or is otherwise engaged in the practice of pharmacist care and dispenses its prescriptions free of charge to appropriately screened and qualified indigent patients.

(8) “Collaborative pharmacy practice” is that practice of pharmacist care where one or more pharmacists have jointly agreed, on a voluntary basis, to work in conjunction with one or more physicians under written protocol where the pharmacist or pharmacists may perform certain patient care functions authorized by the physician or physicians under certain specified conditions and limitations.

(9) “Collaborative pharmacy practice agreement” is a written and signed agreement, which is a physician directed approach, that is entered into between an individual physician or physician group, an individual pharmacist or pharmacists and an individual patient or the patient’s authorized representative who has given informed consent that provides for collaborative pharmacy practice for the purpose of drug therapy management of a patient, which has been approved by the board, the Board of Medicine in the case of an allopathic physician or the West Virginia Board of Osteopathic Medicine in the case of an osteopathic physician.

(10) “Common Carrier” means any person or entity who undertakes, whether directly or by any other arrangement, to transport property including prescription drugs for compensation.

(11) “Component” means any active ingredient or added substance intended for use in the compounding of a drug product, including those that may not appear in such product.

(12) “Compounding” means:

(A) The preparation, mixing, assembling, packaging or labeling of a drug or device:

(i) As the result of a practitioner’s prescription drug order or initiative based on the practitioner/patient/pharmacist relationship in the course of professional practice for sale or dispensing; or

(ii) For the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale or dispensing; and

(B) The preparation of drugs or devices in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns.

(13) “Deliver” or “delivery” means the actual, constructive or attempted transfer of a drug or device from one person to another, whether or not for a consideration.

(14) “Device” means an instrument, apparatus, implement or machine, contrivance, implant or other similar or related article, including any component part or accessory, which is required under federal law to bear the label, “Caution: Federal or state law requires dispensing by or on the order of a physician.”

(15) “Digital Signature” means an electronic signature based upon cryptographic methods of originator authentication, and computed by using a set of rules and a set of parameters so that the identity of the signer and the integrity of the data can be verified.

(16) “Dispense” or “dispensing” means the interpretation, evaluation, and implementation of a prescription drug order, including the preparation, verification and delivery of a drug or device to a patient or patient’s agent in a suitable container appropriately labeled for subsequent administration to, or use by, a patient.

(17) “Distribute” or “Distribution” means to sell, offer to sell, deliver, offer to deliver, broker, give away, or transfer a drug, whether by passage of title, physical movement, or both. The term does not include:

(A) To dispense or administer;

(B) (i) Delivering or offering to deliver a drug by a common carrier in the usual course of business as a common carrier; or providing a drug sample to a patient by a practitioner licensed to prescribe such drug;

(ii) A health care professional acting at the direction and under the supervision of a practitioner; or the pharmacy of a hospital or of another health care entity that is acting at the direction of such a practitioner and that received such sample in accordance with the Prescription Drug Marketing Act and regulations to administer or dispense;

(iii) Intracompany sales.

(18) “Drop shipment” means the sale of a prescription drug to a wholesale distributor by the manufacturer of the prescription drug or by that manufacturer’s colicensed product partner, that manufacturer’s third party logistics provider, that manufacturer’s exclusive distributor, or by an authorized distributor of record that purchased the product directly from the manufacturer or from one of these entities whereby:

(A) The wholesale distributor takes title to but not physical possession of such prescription drug;

(B) The wholesale distributor invoices the pharmacy, pharmacy warehouse, or other person authorized by law to dispense or administer such drug; and

(C) The pharmacy, pharmacy warehouse or other person authorized by law to dispense or administer such drug receives delivery of the prescription drug directly from the manufacturer or from that manufacturer’s colicensed product partner, that manufacturer’s third party logistics provider, that manufacturer’s exclusive distributor, or from an authorized distributor of record that purchased the product directly from the manufacturer or from one of these entities.

(19) “Drug” means:

(A) Articles recognized as drugs by the United States Food and Drug Administration, or in any official compendium, or supplement;

(B) An article, designated by the board, for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;

(C) Articles, other than food, intended to affect the structure or any function of the body of human or other animals; and

(D) Articles intended for use as a component of any articles specified in paragraph (A), (B) or (C) of this subdivision.

(20) “Drug regimen review” includes, but is not limited to, the following activities:

(A) Evaluation of the prescription drug orders and if available, patient records for:

- (i) Known allergies;
- (ii) Rational therapy-contraindications;
- (iii) Reasonable dose and route of administration; and
- (iv) Reasonable directions for use.

(B) Evaluation of the prescription drug orders and patient records for duplication of therapy.

(C) Evaluation of the prescription drug for interactions and/or adverse effects which may include, but are not limited to, any of the following:

- (i) Drug-drug;
- (ii) Drug-food;
- (iii) Drug-disease; and

(iv) Adverse drug reactions.

(D) Evaluation of the prescription drug orders and if available, patient records for proper use, including overuse and underuse and optimum therapeutic outcomes.

(21) “Drug therapy management” means the review of drug therapy regimens of patients by a pharmacist for the purpose of evaluating and rendering advice to a physician regarding adjustment of the regimen in accordance with the collaborative pharmacy practice agreement. Decisions involving drug therapy management shall be made in the best interest of the patient. Drug therapy management is limited to:

(A) Implementing, modifying and managing drug therapy according to the terms of the collaborative pharmacy practice agreement;

(B) Collecting and reviewing patient histories;

(C) Obtaining and checking vital signs, including pulse, temperature, blood pressure and respiration;

(D) Ordering screening laboratory tests that are dose related and specific to the patient’s medication or are protocol driven and are also specifically set out in the collaborative pharmacy practice agreement between the pharmacist and physician.

(22) “Electronic data intermediary” means an entity that provides the infrastructure to connect a computer system, hand-held electronic device or other electronic device used by a prescribing practitioner with a computer system or other electronic device used by a pharmacy to facilitate the secure transmission of:

(A) An electronic prescription order;

(B) A refill authorization request;

(C) A communication; or

(D) Other patient care information.

(23) “E-prescribing” means the transmission, using electronic media, of prescription or prescription-related information between a practitioner, pharmacist, pharmacy benefit manager or health plan as defined in 45 CFR §160.103, either directly or through an electronic data intermediary. E-prescribing includes, but is not limited to, two-way transmissions between the point of care and the pharmacist. E-prescribing may also be referenced by the terms “electronic prescription” or “electronic order”.

(24) “Electronic Signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(25) “Electronic transmission” means transmission of information in electronic form or the transmission of the exact visual image of a document by way of electronic equipment.

(26) “Emergency medical reasons” include, but are not limited to, transfers of a prescription drug by one pharmacy to another pharmacy to alleviate a temporary shortage of a prescription drug; sales to nearby emergency medical services, i.e., ambulance companies and firefighting organizations in the same state or same marketing or service area, or nearby licensed practitioners of prescription drugs for use in the treatment of acutely ill or injured persons; and provision of minimal emergency supplies of prescription drugs to nearby nursing homes for use in emergencies or during hours of the day when necessary prescription drugs cannot be obtained.

(27) “Exclusive distributor” means an entity that:

(A) Contracts with a manufacturer to provide or coordinate warehousing, wholesale distribution, or other services on behalf

of a manufacturer and who takes title to that manufacturer's prescription drug, but who does not have general responsibility to direct the sale or disposition of the manufacturer's prescription drug; and

(B) Is licensed as a wholesale distributor under this article.

(28) "FDA" means the Food and Drug Administration, a federal agency within the United States Department of Health and Human Services.

(29) "Health care entity" means a person that provides diagnostic, medical, pharmacist care, surgical, dental treatment, or rehabilitative care but does not include a wholesale distributor.

(30) "Health information" means any information, whether oral or recorded in a form or medium, that:

(A) Is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse, and

(B) Relates to the past, present, or future physical or mental health or condition of an individual; or the past, present, or future payment for the provision of health care to an individual.

(31) "HIPAA" is the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).

(32) "Immediate container" means a container and does not include package liners.

(33) "Individually identifiable health information" is information that is a subset of health information, including demographic information collected from an individual and is created or received by a health care provider, health plan, employer, or health care clearinghouse; and relates to the past, present, or future physical or

mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and that identifies the individual; or with respect to which there is a reasonable basis to believe the information can be used to identify the individual.

(34) “Intracompany sales” means any transaction between a division, subsidiary, parent, and/or affiliated or related company under the common ownership and control of a corporate or other legal business entity.

(35) “Label” means a display of written, printed, or graphic matter upon the immediate container of any drug or device.

(36) “Labeling” means the process of preparing and affixing a label to a drug container exclusive, however, of a labeling by a manufacturer, packer or distributor of a nonprescription drug or commercially packaged prescription drug or device.

(37) “Long-Term care facility” means a nursing home, retirement care, mental care, or other facility or institution that provides extended health care to resident patients.

(38) “Mail-order pharmacy” means a pharmacy, regardless of its location, which dispenses greater than twenty-five percent prescription drugs via the mail or other delivery services.

(39) “Manufacturer” means any person who is engaged in manufacturing, preparing, propagating, processing, packaging, repackaging or labeling of a prescription drug, whether within or outside this state.

(40) “Manufacturing” means the production, preparation, propagation or processing of a drug or device, either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical or biological synthesis and includes any packaging or repackaging of the substance

or substances or labeling or relabeling of its contents and the promotion and marketing of the drugs or devices. Manufacturing also includes the preparation and promotion of commercially available products from bulk compounds for resale by pharmacies, practitioners or other persons.

(41) “Medical order” means a lawful order of a practitioner that may or may not include a prescription drug order.

(42) “Medication therapy management” is a distinct service or group of services that optimize medication therapeutic outcomes for individual patients. Medication therapy management services are independent of, but can occur in conjunction with, the provision of a medication or a medical device. Medication therapy management encompasses a broad range of professional activities and responsibilities within the licensed pharmacist’s scope of practice.

(43) “Misbranded” means a drug or device that has a label that is false or misleading in any particular; or the label does not bear the name and address of the manufacturer, packer, or distributor and does not have an accurate statement of the quantities of the active ingredients in the case of a drug; or the label does not show an accurate monograph for prescription drugs.

(44) “Nonprescription drug” means a drug which may be sold without a prescription and which is labeled for use by the consumer in accordance with the requirements of the laws and rules of this state and the federal government.

(45) “Normal distribution channel” means a chain of custody for a prescription drug that goes directly or by drop shipment, from a manufacturer of the prescription drug, the manufacturer’s third-party logistics provider, or the manufacturer’s exclusive distributor to:

(A) A wholesale distributor to a pharmacy to a patient or other designated persons authorized by law to dispense or administer such prescription drug to a patient;

(B) A wholesale distributor to a chain pharmacy warehouse to that chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer such prescription drug to a patient;

(C) A chain pharmacy warehouse to that chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer such prescription drug to a patient;

(D) A pharmacy or to other designated persons authorized by law to dispense or administer such prescription drug to a patient; or

(E) As prescribed by the board's legislative rules.

(46) "Patient counseling" means the communication by the pharmacist of information, as prescribed further in the rules of the board, to the patient to improve therapy by aiding in the proper use of drugs and devices.

(47) "Pedigree" means a statement or record in a written form or electronic form, approved by the board, that records each wholesale distribution of any given prescription drug (excluding veterinary prescription drugs), which leaves the normal distribution channel.

(48) "Person" means an individual, corporation, partnership, association or any other legal entity, including government.

(49) "Pharmacist" means an individual currently licensed by this state to engage in the practice of pharmacist care.

(50) "Pharmacist Care" means the provision by a pharmacist of patient care activities, with or without the dispensing of drugs

or devices, intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process and as provided for in section ten.

(51) "Pharmacist-in-charge" means a pharmacist currently licensed in this state who accepts responsibility for the operation of a pharmacy in conformance with all laws and legislative rules pertinent to the practice of pharmacist care and the distribution of drugs and who is personally in full charge of the pharmacy and pharmacy personnel.

(52) "Pharmacist's scope of practice pursuant to the collaborative pharmacy practice agreement" means those duties and limitations of duties placed upon the pharmacist by the collaborating physician, as jointly approved by the board and the Board of Medicine or the West Virginia Board of Osteopathic Medicine.

(53) "Pharmacy" means any place within this state where drugs are dispensed and pharmacist care is provided and any place outside of this state where drugs are dispensed and pharmacist care is provided to residents of this state.

(54) "Pharmacy Intern" or "Intern" means an individual who is currently licensed to engage in the practice of pharmacist care while under the supervision of a pharmacist.

(55) "Pharmacy related primary care" means the pharmacist's activities in patient education, health promotion, selection and use of over the counter drugs and appliances and referral or assistance with the prevention and treatment of health related issues and diseases.

(56) "Pharmacy Technician" means a person registered with the board to practice certain tasks related to the practice of pharmacist care as permitted by the board.

(57) “Physician” means an individual currently licensed, in good standing and without restrictions, as an allopathic physician by the West Virginia Board of Medicine or an osteopathic physician by the West Virginia Board of Osteopathic Medicine.

(58) “Practice of telepharmacy” means the provision of pharmacist care by properly licensed pharmacists located within United States jurisdictions through the use of telecommunications or other technologies to patients or their agents at a different location that are located within United States jurisdictions.

(59) “Practitioner” means an individual authorized by a jurisdiction of the United States to prescribe drugs in the course of professional practices, as allowed by law.

(60) “Prescription drug” means any human drug required by federal law or regulation to be dispensed only by prescription, including finished dosage forms and active ingredients subject to section 503(b) of the federal food, drug and cosmetic act.

(61) “Prescription or prescription drug order” means a lawful order from a practitioner for a drug or device for a specific patient, including orders derived from collaborative pharmacy practice, where a valid patient-practitioner relationship exists, that is communicated to a pharmacist in a pharmacy.

(62) “Product Labeling” means all labels and other written, printed, or graphic matter upon any article or any of its containers or wrappers, or accompanying such article.

(63) “Repackage” means changing the container, wrapper, quantity, or product labeling of a drug or device to further the distribution of the drug or device.

(64) “Repackager” means a person who repackages.

(65) “Therapeutic equivalence” mean drug products classified as therapeutically equivalent can be substituted with the full expectation that the substituted product will produce the same clinical effect and safety profile as the prescribed product which contain the same active ingredient(s); dosage form and route of administration; and strength.

(66) “Third-party logistics provider” means a person who contracts with a prescription drug manufacturer to provide or coordinate warehousing, distribution or other services on behalf of a manufacturer, but does not take title to the prescription drug or have general responsibility to direct the prescription drug’s sale or disposition. A third-party logistics provider shall be licensed as a wholesale distributor under this article and, in order to be considered part of the normal distribution channel, shall also be an authorized distributor of record.

(67) “Valid patient-practitioner relationship” means the following have been established:

(A) A patient has a medical complaint;

(B) A medical history has been taken;

(C) A face-to-face physical examination adequate to establish the medical complaint has been performed by the prescribing practitioner or in the instances of telemedicine through telemedicine practice approved by the appropriate practitioner board; and

(D) Some logical connection exists between the medical complaint, the medical history, and the physical examination and the drug prescribed.

(68) “Wholesale distribution” and “wholesale distributions” mean distribution of prescription drugs, including directly or through the use of a third-party logistics provider or any other situation in which title, ownership or control over the prescription

drug remains with one person or entity but the prescription drug is brought into this state by another person or entity on his, her or its behalf, to persons other than a consumer or patient, but does not include:

(A) Intracompany sales, as defined in subdivision thirty-four of this subsection;

(B) The purchase or other acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a drug for its own use from the group purchasing organization or from other hospitals or health care entities that are members of such organizations;

(C) The sale, purchase or trade of a drug or an offer to sell, purchase or trade a drug by a charitable organization described in section 501(c)(3) of the United States Internal Revenue Code of 1986 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;

(D) The sale, purchase or trade of a drug or an offer to sell, purchase or trade a drug among hospitals or other health care entities that are under common control. For purposes of this article, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, voting rights, by contract, or otherwise;

(E) The sale, purchase or trade of a drug or an offer to sell, purchase or trade a drug for "emergency medical reasons" for purposes of this article includes transfers of prescription drugs by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage, except that the gross dollar value of such transfers shall not exceed five percent of the total prescription drug sales revenue of either the transferor or transferee pharmacy during any twelve consecutive month period;

(F) The sale, purchase or trade of a drug, an offer to sell, purchase, or trade a drug or the dispensing of a drug pursuant to a prescription;

(G) The distribution of drug samples by manufacturers' representatives or distributors' representatives, if the distribution is permitted under federal law [21 U. S. C. 353(d)];

(H) Drug returns by a pharmacy or chain drug warehouse to wholesale drug distributor or the drug's manufacturer; or

(J) The sale, purchase or trade of blood and blood components intended for transfusion.

(69) "Wholesale drug distributor" or "wholesale distributor" means any person or entity engaged in wholesale distribution of prescription drugs, including, but not limited to, manufacturers, repackers, own-label distributors, jobbers, private-label distributors, brokers, warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses and wholesale drug warehouses, independent wholesale drug traders, prescription drug repackagers, physicians, dentists, veterinarians, birth control and other clinics, individuals, hospitals, nursing homes and/or their providers, health maintenance organizations and other health care providers, and retail and hospital pharmacies that conduct wholesale distributions, including, but not limited to, any pharmacy distributor as defined in this section. A wholesale drug distributor shall not include any for hire carrier or person or entity hired solely to transport prescription drugs.

§30-5-5. West Virginia Board of Pharmacy.

(a) The West Virginia Board of Pharmacy is continued. The members of the board in office on July 1, 2013, shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and qualified.

(b) The Governor, by and with the advice and consent of the Senate, shall appoint:

(1) Five members who are licensed to practice pharmacist care in this state; and

(2) Two citizen members, who are not licensed under the provisions of this article, and who do not perform any services related to the practice of the pharmacist care regulated under the provisions of this article.

(c) After the initial appointment term, the appointment term is five years. A member may not serve more than two consecutive terms. A member who has served two consecutive full terms may not be reappointed for at least one year after completion of his or her second full term. A member may continue to serve until his or her successor has been appointed and qualified.

(d) Each licensed member of the board, at the time of his or her appointment, shall have held a license in this state for a period of not less than three years immediately preceding the appointment.

(e) Each member of the board shall be a resident of this state during the appointment term.

(f) A vacancy on the board shall be filled by appointment by the Governor for the unexpired term of the member whose office is vacant.

(g) The Governor may remove any member from the board for neglect of duty, incompetency or official misconduct.

(h) A licensed member of the board immediately and automatically forfeits membership to the board if his or her license to practice is suspended or revoked in any jurisdiction.

(i) A member of the board immediately and automatically forfeits membership to the board if he or she is convicted of a felony under the laws of any jurisdiction or becomes a nonresident of this state.

(j) The board shall elect annually one of its members as president, one member as vice president and one member as treasurer who shall serve at the will and pleasure of the board.

(k) Each member of the board is entitled to receive compensation and expense reimbursement in accordance with article one of this chapter.

(l) A simple majority of the membership serving on the board at a given time is a quorum for the transaction of business.

(m) The board shall hold at least two meetings annually. Other meetings shall be held at the call of the chairperson or upon the written request of three members, at the time and place as designated in the call or request.

(n) Prior to commencing his or her duties as a member of the board, each member shall take and subscribe to the oath required by section five, article four of the Constitution of this state.

(o) The members of the board when acting in good faith and without malice shall enjoy immunity from individual civil liability while acting within the scope of their duties as board members.

§30-5-6. Powers and duties of the board.

The board has all the powers and duties set forth in this article, by rule, in article one of this chapter and elsewhere in law, including the power to:

(a) Hold meetings;

(b) Establish additional requirements for a license, permit and registration;

(c) Establish procedures for submitting, approving and rejecting applications for a license, permit and registration;

(d) Determine the qualifications of any applicant for a license, permit and registration;

(e) Establish a fee schedule;

(f) Issue, renew, deny, suspend, revoke or reinstate a license, permit, and registration;

(g) Prepare, conduct, administer and grade written, oral or written and oral examinations for a license and registration and establish what constitutes passage of the examination;

(h) Contract with third parties to administer the examinations required under the provisions of this article;

(i) Maintain records of the examinations the board or a third party administers, including the number of persons taking the examination and the pass and fail rate;

(j) Regulate mail order pharmacies;

(k) Maintain an office, and hire, discharge, establish the job requirements and fix the compensation of employees and contract with persons necessary to enforce the provisions of this article. Inspectors shall be licensed pharmacists;

(l) Investigate alleged violations of the provisions of this article, legislative rules, orders and final decisions of the board;

(m) Conduct disciplinary hearings of persons regulated by the board;

(n) Determine disciplinary action and issue orders;

(o) Institute appropriate legal action for the enforcement of the provisions of this article;

(p) Maintain an accurate registry of names and addresses of all persons regulated by the board;

(q) Keep accurate and complete records of its proceedings, and certify the same as may be necessary and appropriate;

(r) Propose rules in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this article;

(s) Sue and be sued in its official name as an agency of this state;

(t) Confer with the Attorney General or his or her assistant in connection with legal matters and questions; and

(u) Take all other actions necessary and proper to effectuate the purposes of this article.

§30-5-7. Rule-making authority.

(a) The board shall propose rules for legislative approval, in accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement the provisions of this article, and articles two, three, eight, nine and ten of chapter sixty-A including:

(1) Standards and requirements for a license, permit and registration;

(2) Educational and experience requirements;

(3) Procedures for examinations and reexaminations;

(4) Requirements for third parties to prepare, administer or prepare and administer examinations and reexaminations;

- (5) The passing grade on the examination;
- (6) Procedures for the issuance and renewal of a license, permit and registration;
- (7) A fee schedule;
- (8) Continuing education requirements;
- (9) Set standards for professional conduct;
- (10) Establish equipment and facility standards for pharmacies;
- (11) Approve courses and standards for training pharmacist technicians;
- (12) Regulation of charitable clinic pharmacies;
- (13) Regulation of mail order pharmacies: Provided, That until the board establishes requirements that provide further conditions for pharmacists whom consult with or who provide pharmacist care to patients regarding prescriptions dispensed in this state by a mail order pharmacy, the pharmacist in charge of the out-of-state mail order pharmacy shall be licensed in West Virginia and any other pharmacist providing pharmacist care from the mail order pharmacy shall be licensed in the state where the pharmacy is located.
- (14) Agreements with organizations to form pharmacist recovery networks;
- (15) Create an alcohol or chemical dependency treatment program;
- (16) Establish a ratio of pharmacy technicians to on-duty pharmacist operating in any outpatient, mail order or institutional pharmacy;

(17) Regulation of telepharmacy;

(18) The minimum standards for a charitable clinic pharmacy and rules regarding the applicable definition of a pharmacist-in-charge, who may be a volunteer, at charitable clinic pharmacies: *Provided*, That a charitable clinic pharmacy may not be charged any applicable licensing fees and such clinics may receive donated drugs.

(19) Establish standards for substituted drug products;

(20) Establish the regulations for E-prescribing;

(21) Establish the proper use of the automated data processing system;

(22) Registration and control of the manufacture and distribution of controlled substances within this state.

(23) Regulation of pharmacies;

(24) Sanitation and equipment requirements for wholesalers, distributors and pharmacies.

(25) Procedures for denying, suspending, revoking, reinstating or limiting the practice of a licensee, permittee or registrant;

(26) Regulations on prescription paper as provided in section five, article five-w, chapter sixteen;

(27) Regulations on controlled substances as provided in article two, chapter sixty-a;

(28) Regulations on manufacturing, distributing, or dispensing any controlled substance as provided in article three, chapter sixty-a;

(29) Regulations on wholesale drug distribution as provided in article eight, chapter sixty-a;

(30) Regulations on controlled substances monitoring as provided in article nine, chapter sixty-a;

(31) Regulations on Methamphetamine Laboratory Eradication Act as provided in article ten, chapter sixty-a; and

(32) Any other rules necessary to effectuate the provisions of this article.

(b) The board may provide an exemption to the pharmacist-in-charge requirement for the opening of a new retail pharmacy or during a declared emergency;

(c) The board, the Board of Medicine and the Board of Osteopathic Medicine shall jointly agree and propose rules concerning collaborative pharmacy practice for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of the code;

(d) The board with the advice of the Board of Medicine and the Board of Osteopathic Medicine shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to perform influenza and pneumonia immunizations, on a person of eighteen years of age or older. These rules shall provide, at a minimum, for the following:

(1) Establishment of a course, or provide a list of approved courses, in immunization administration. The courses shall be based on the standards established for such courses by the Centers for Disease Control and Prevention in the public health service of the United States Department of Health and Human Services;

(2) Definitive treatment guidelines which shall include, but not be limited to, appropriate observation for an adverse reaction of an individual following an immunization;

(3) Prior to administration of immunizations, a pharmacist shall have completed a board approved immunization administration course and completed an American Red Cross or American Heart Association basic life-support training, and maintain certification in the same.

(4) Continuing education requirements for this area of practice;

(5) Reporting requirements for pharmacists administering immunizations to report to the primary care physician or other licensed health care provider as identified by the person receiving the immunization;

(6) Reporting requirements for pharmacists administering immunizations to report to the West Virginia Statewide Immunization Information (WVSII);

(7) That a pharmacist may not delegate the authority to administer immunizations to any other person; unless administered by a licensed pharmacy intern under the direct supervision of a pharmacist of whom both pharmacist and intern have successfully completed all board required training.

(8) Any other provisions necessary to implement the provisions of this section.

(e) The board, the Board of Medicine and the Board of Osteopathic Medicine shall propose joint rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to permit licensed pharmacists to administer other immunizations such as Hepatitis A, Hepatitis B, Herpes Zoster and Tetanus. These rules shall provide, at a minimum, the same provisions contained in subsection (d)(1) through (d)(8) of this section.

(f) All of the board's rules in effect and not in conflict with these provisions, shall remain in effect until they are amended or rescinded.

§30-5-8. Fees; special revenue account; administrative fines.

(a) All fees and other moneys, except fines, received by the board shall be deposited in a separate special revenue fund in the State Treasury designated the “Board of Pharmacy Fund”, which fund is continued. The fund is used by the board for the administration of this article. Except as may be provided in article one of this chapter, the board shall retain the amounts in the special revenue account from year to year. Any compensation or expense incurred under this article is not a charge against the General Revenue Fund.

(b) The board shall deposit any amounts received as administrative fines imposed pursuant to this article into the General Revenue Fund of the State Treasury.

§30-5-9. Qualifications for licensure as pharmacist.

(a) To be eligible for a license to practice pharmacist care under the provisions of this article, the applicant shall:

- (1) Submit a written application to the board;
- (2) Be eighteen years of age or older;
- (3) Pay all applicable fees;
- (4) Graduate from an accredited school of pharmacy;
- (5) Complete at least fifteen hundred hours of internship in a pharmacy under the instruction and supervision of a pharmacist;
- (6) Pass an examination or examinations approved by the board;
- (7) Not be an alcohol or drug abuser, as these terms are defined in section eleven, article one-a, chapter twenty-seven of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation

in a twelve-step program or other similar group or process, may be considered;

(8) Present to the board satisfactory evidence that he or she is a person of good moral character, has not been convicted of a felony involving controlled substances or violent crime;

(9) Not been convicted in any jurisdiction of a felony or any crime which bears a rational nexus to the individual's ability to practice pharmacist care; and

(10) Has fulfilled any other requirement specified by the board in rule.

(b) An applicant from another jurisdiction shall comply with all the requirements of this article.

§30-5-10. Scope practice for licensed pharmacist.

(a) A licensed pharmacist may:

(1) Provide care related to the interpretation, evaluation, and implementation of medical orders;

(2) Dispense of prescription drug orders; participate in drug and device selection;

(3) Provide drug administration;

(4) Provide drug regimen review;

(5) Provide drug or drug-related research;

(6) Perform patient counseling;

(7) Provide pharmacy related primary care;

(8) Provide pharmacist care in all areas of patient care, including collaborative pharmacy practice;

(9) Compound and label drugs and drug devices;

(10) Proper and safe storage of drugs and devices;

(11) Maintain proper records;

(12) Provide patient counseling concerning the therapeutic value and proper use of drugs and devices;

(13) Order laboratory tests in accordance with drug therapy management; and

(14) Provide medication therapy management.

(b) A licensee meeting the requirements as promulgated by legislative rule may administer immunizations.

(c) The sale of any medicine, if the contents of its container, or any part thereof, taken at one time, are likely to prove poisonous, deleterious, or habit-forming is prohibited by any person other than a registered pharmacist, who shall take precautions to acquaint the purchaser of the nature of the medicine at the time of sale.

§30-5-11. Registration of pharmacy technicians.

(a) To be eligible for registration as a pharmacy technician to assist in the practice of pharmacist care, the applicant shall:

(1) Submit a written application to the board;

(2) Pay the applicable fees;

(3) Have graduated from high school or obtained a Certificate of General Educational Development (GED) or equivalent;

(4) Have:

(A) Graduated from a competency-based pharmacy technician education and training program as approved by legislative rule of the board; or

(B) Completed a pharmacy provided, competency-based education and training program approved by the board;

(5) Effective July 1, 2014, have successfully passed an examination developed using nationally recognized and validated psychometric and pharmacy practice standards approved by the board;

(6) Not be an alcohol or drug abuser, as these terms are defined in section eleven, article one-a, chapter twenty-seven of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in a twelve-step program or other similar group or process, may be considered;

(8) Not have been convicted of a felony in any jurisdiction within ten years preceding the date of application for license, which conviction remains unreversed;

(9) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense for which he or she was convicted bearing a rational nexus to the practice of pharmacist care, which conviction remains unreversed; and

(10) Have fulfilled any other requirement specified by the board in rule.

(b) A person whose license to practice pharmacist care has been denied, revoked, suspended, or restricted for disciplinary purposes in any jurisdiction is not eligible to be registered as a pharmacy technician.

(c) A person registered to assist in the practice pharmacist care issued by the board prior to June 30, 2014, shall for all purposes be considered registered under this article and may renew pursuant to the provisions of this article.

§30-5-12. Scope practice for registered pharmacy technician.

(a) A registered pharmacy technician shall, under the direct supervision of the licensed pharmacist, perform at a minimum the following:

- (1) Assist in the dispensing process;
- (2) Receive new written or electronic prescription drug orders;
- (3) Compound; and
- (4) Stock medications.

(b) A registered pharmacy technician may perform the following under indirect supervision of a licensed pharmacist:

- (1) Process medical coverage claims; and
- (2) Cashier.

(c) A registered pharmacy technician may not perform the following:

- (1) Drug regimen review;
- (2) Clinical conflict resolution;
- (3) Contact a prescriber concerning prescription drug order clarification or therapy modification;
- (4) Patient counseling;

- (5) Dispense process validation;
- (6) Prescription transfer; and
- (7) Receive new oral prescription drug orders.

(d) Indirect supervision of a registered pharmacy technician is permitted to allow a pharmacist to take one break of no more than thirty minutes during any contiguous eight-hour period. The pharmacist may leave the pharmacy area but may not leave the building during the break. When a pharmacist is on break, a pharmacy technician may continue to prepare prescriptions for the pharmacist's verification. A prescription may not be delivered until the pharmacist has verified the accuracy of the prescription, and counseling, if required, has been provided to or refused by the patient.

(e) A pharmacy that permits indirect supervision of a pharmacy technician during a pharmacist's break shall have either an interactive voice response system or a voice mail system installed on the pharmacy phone line in order to receive new prescription orders and refill authorizations during the break.

(f) The pharmacy shall establish protocols that require a registered pharmacy technician to interrupt the pharmacist's break if an emergency arises.

§30-5-13. Pharmacist interns.

(a) To be eligible for a license to assist in the practice of pharmacist care as a pharmacy intern, the applicant shall be:

(1) Enrolled and progressing to obtain a degree in a professional degree program of a school or college of pharmacy that has been approved by the board, and is satisfactorily progressing toward meeting the requirements for licensure as a pharmacist; or

(2) A graduate of an approved professional degree program of a school or college of pharmacy or a graduate who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee Certificate, who is currently licensed by the board for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist; or

(3) A qualified applicant awaiting examination for licensure or meeting board requirements for relicensure; or

(4) An individual participating in a pharmacy residency or fellowship program.

§30-5-14. Prohibiting the dispensing of prescription orders in absence of practitioner-patient relationship.

A pharmacist may not compound or dispense any prescription order when he or she has knowledge that the prescription was issued by a practitioner without establishing a valid practitioner-patient relationship. An online or telephonic evaluation by questionnaire, or an online or telephonic consultation, is inadequate to establish a valid practitioner-patient relationship: *Provided*, That this prohibition does not apply:

(1) In a documented emergency;

(2) In an on-call or cross-coverage situation; or

(3) Where patient care is rendered in consultation with another practitioner who has an ongoing relationship with the patient and who has agreed to supervise the patient's treatment, including the use of any prescribed medications.

§30-5-15. Reciprocal licensure of pharmacists from other states or countries.

(a) The board may by reciprocity license pharmacists in this state who have been authorized to practice pharmacist care in

another state: *Provided*, That the applicant for licensure meets the requirements of the rules for reciprocity promulgated by the board in accordance with the provisions of chapter twenty-nine-a of this code: *Provided, however*, That reciprocity is not authorized for pharmacists from another state where that state does not permit reciprocity to pharmacists licensed in West Virginia.

(b) The board may refuse reciprocity to pharmacists from another country unless the applicant qualifies under the legislative rules as may be promulgated by the board for licensure of foreign applicants.

§30-5-16. Renewal requirements.

(a) All persons regulated by this article shall annually or biannually, renew his or her board authorization by completing a form prescribed by the board and submitting any other information required by the board.

(b) The board shall charge a fee for each renewal of an board authorization and shall charge a late fee for any renewal not paid by the due date.

(c) The board shall require as a condition of renewal that each licensee or registrant complete continuing education.

(d) The board may deny an application for renewal for any reason which would justify the denial of an original application.

(e) After June 30, 2014, a previously registered pharmacy technician may renew his or her current registration without having successfully completed the requirements of subdivision six, subsection (a), of section eleven. The previously registered pharmacist may continue to renew his or her registration under this provision.

§30-5-17. Special volunteer pharmacist license; civil immunity for voluntary services rendered to indigents.

(a) There is a special volunteer pharmacist license for pharmacists retired or retiring from the active practice of pharmacist care who wish to donate their expertise for the pharmacist care and treatment of indigent and needy patients in the clinic setting of clinics organized, in whole or in part, for the delivery of health care services without charge. The special volunteer pharmacist license shall be issued by the board to pharmacists licensed or otherwise eligible for licensure under this article and the legislative rules promulgated hereunder without the payment of an application fee, license fee or renewal fee, and the initial license shall be issued for the remainder of the licensing period, and renewed consistent with the boards other licensing requirements. The board shall develop application forms for the special license provided in this subsection which shall contain the pharmacist's acknowledgment that:

(1) The pharmacist's practice under the special volunteer pharmacist license shall be exclusively devoted to providing pharmacist care to needy and indigent persons in West Virginia;

(2) The pharmacist may not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for any pharmacist care rendered under the special volunteer pharmacist license;

(3) The pharmacist will supply any supporting documentation that the board may reasonably require; and

(4) The pharmacist agrees to continue to participate in continuing professional education as required by the board for the special volunteer pharmacist license.

(b) Any pharmacist who renders any pharmacist care to indigent and needy patients of a clinic organized, in whole or in part, for the delivery of health care services without charge under a special

volunteer pharmacist license authorized under subsection (a) of this section without payment or compensation or the expectation or promise of payment or compensation is immune from liability for any civil action arising out of any act or omission resulting from the rendering of the pharmacist care at the clinic unless the act or omission was the result of the pharmacist's gross negligence or willful misconduct. In order for the immunity under this subsection to apply, there shall be a written agreement between the pharmacist and the clinic pursuant to which the pharmacist provides voluntary uncompensated pharmacist care under the control of the clinic to patients of the clinic before the rendering of any services by the pharmacist at the clinic: *Provided*, That any clinic entering into such written agreement is required to maintain liability coverage of not less than \$1 million per occurrence.

(c) Notwithstanding the provisions of subsection (b) of this section, a clinic organized, in whole or in part, for the delivery of health care services without charge is not relieved from imputed liability for the negligent acts of a pharmacist rendering voluntary pharmacist care at or for the clinic under a special volunteer pharmacist license authorized under subsection (a) of this section.

(d) For purposes of this section, "otherwise eligible for licensure" means the satisfaction of all the requirements for licensure as listed in section nine of this article and in the legislative rules promulgated thereunder, except the fee requirements of that section and of the legislative rules promulgated by the board relating to fees.

(e) Nothing in this section may be construed as requiring the board to issue a special volunteer pharmacist license to any pharmacist whose license is or has been subject to any disciplinary action or to any pharmacist who has surrendered a license or caused such license to lapse, expire and become invalid in lieu of having a complaint initiated or other action taken against his or her license, or who has elected to place a pharmacist license in inactive status in lieu of having a complaint initiated or other action taken against his or her license, or who has been denied a pharmacist license.

(f) Any policy or contract of liability insurance providing coverage for liability sold, issued or delivered in this state to any pharmacist covered under the provisions of this article shall be read so as to contain a provision or endorsement whereby the company issuing such policy waives or agrees not to assert as a defense on behalf of the policyholder or any beneficiary thereof, to any claim covered by the terms of such policy within the policy limits, the immunity from liability of the insured by reason of the care and treatment of needy and indigent patients by a pharmacist who holds a special volunteer pharmacist license.

§30-5-18. Pharmacist requirements to participate in a collaborative pharmacy practice agreement.

For a pharmacist to participate in a collaborative pharmacy practice agreement, the pharmacist shall:

(a) Have an unrestricted and current license to practice as a pharmacist in West Virginia;

(b) Personally have or have employer coverage of at least \$1 million of professional liability insurance coverage;

(c) Meet one of the following qualifications, at a minimum:

(1) Earned a Certification from the Board of Pharmaceutical Specialties, is a Certified Geriatric Practitioner, or has completed an American Society of Health System Pharmacists (ASHP) accredited residency program, which includes two years of clinical experience approved by the board; or

(2) Successfully completed the course of study and holds the academic degree of Doctor of Pharmacy and has three years of clinical experience approved by the board and has completed an Accreditation Council for Pharmacy Education (ACPE) approved practice based continuing pharmacy education activity in the area of practice covered by the collaborative pharmacy practice agreement; or

(3) Successfully completed the course of study and hold the academic degree of Bachelor of Science in Pharmacy and has five years of clinical experience approved by the board and has completed two ACPE approved practice based continuing pharmacy education activity with at least one program in the area of practice covered by a collaborative pharmacy practice agreement.

§30-5-19. Collaborative pharmacy practice agreement.

(a) A pharmacist engaging in collaborative pharmacy practice shall have on file at his or her place of practice the collaborative pharmacy practice agreement. The existence and subsequent termination of the agreement and any additional information the rules may require concerning the agreement, including the agreement itself, shall be made available to the appropriate licensing board for review upon request. The agreement may allow the pharmacist, within the pharmacist's scope of practice pursuant to the collaborative pharmacy practice agreement, to conduct drug therapy management activities approved by the collaborating physician. The collaborative pharmacy practice agreement shall be a voluntary process, which is a physician directed approach, that is entered into between an individual physician or physician group, an individual pharmacist or pharmacists and an individual patient or the patient's authorized representative who has given informed consent as per subsection (c).

(b) A collaborative pharmacy practice agreement may authorize a pharmacist to provide drug therapy management. In instances where drug therapy is discontinued, the pharmacist shall notify the treating physician of the discontinuance in the time frame and in the manner established by joint legislative rules. Each protocol developed, pursuant to the collaborative pharmacy practice agreement, shall contain detailed direction concerning the services that the pharmacists may perform for that patient. The protocol shall include, but need not be limited to:

(1) The specific drug or drugs to be managed by the pharmacist;

(2) The terms and conditions under which drug therapy may be implemented, modified or discontinued;

(3) The conditions and events upon which the pharmacist is required to notify the physician; and

(4) The laboratory tests that may be ordered in accordance with drug therapy management.

(c) All activities performed by the pharmacist in conjunction with the protocol shall be documented in the patient's medical record. The pharmacists shall report at least every thirty days to the physician regarding the patient's drug therapy management. The collaborative pharmacy practice agreement and protocols shall be available for inspection by the board, the West Virginia Board of Medicine, or the West Virginia Board of Osteopathic Medicine, depending on the licensing board of the participating physician. A copy of the protocol shall be filed in the patient's medical record.

(d) Collaborative pharmacy agreements may not include the management of controlled substances.

(e) A collaborative pharmacy practice agreement, meeting the requirements herein established and in accordance with joint rules, shall be allowed in the hospital setting, the nursing home setting, the medical school setting and the hospital, community-based pharmacy setting and ambulatory care clinics. The pharmacist shall be employed by or under contract to provide services to the hospital, pharmacy, nursing home or medical school, or hold a faculty appointment with one of the schools of pharmacy or medicine in this state.

(f) Nothing pertaining to collaborative pharmacy practice shall be interpreted to permit a pharmacist to accept delegation of a physician's authority outside the limits included in the appropriate board's statute and rules.

§30-5-20. Board authorizations shall be displayed.

(a) The board shall prescribe the form for an board authorization, and may issue a duplicate upon payment of a fee.

(b) Any person regulated by the article shall conspicuously display his or her board authorization at his or her principal business location.

§30-5-21. Responsibility for quality of drugs dispensed; exception; falsification of labels; deviation from prescription.

(a) All persons, whether licensed pharmacists or not, shall be responsible for the quality of all drugs, chemicals and medicines they may sell or dispense, with the exception of those sold in or dispensed unchanged from the original retail package of the manufacturer, in which event the manufacturer shall be responsible.

(b) Except as provided in section twelve-b of this article, the following acts shall be prohibited:

(1) The falsification of any label upon the immediate container, box and/or package containing a drug;

(2) The substitution or the dispensing of a different drug in lieu of any drug prescribed in a prescription without the approval of the practitioner authorizing the original prescription: Provided, That this may not be construed to interfere with the art of prescription compounding which does not alter the therapeutic properties of the prescription or appropriate generic substitute;

(3) The filling or refilling of any prescription for a greater quantity of any drug or drug product than that prescribed in the original prescription without a written or electronic order or an oral order reduced to writing, or the refilling of a prescription without the verbal, written or electronic consent of the practitioner authorizing the original prescription.

§30-5-22. Pharmacies to be registered.

(a) A pharmacy, an ambulatory health care facility, and a charitable clinic pharmacy shall register with the board.

(b) A person desiring to operate, maintain, open or establish a pharmacy shall register with the board.

(c) To be eligible for a registration to operate, maintain, open or establish a pharmacy the applicant shall:

- (1) Submit a written application to the board;
- (2) Pay all applicable fees;
- (3) Designate a pharmacist-in-charge; and
- (4) Successfully complete an inspection by the board.

(d) A separate application shall be made and separate registration issued for each location.

(e) Registration are not transferable.

(f) Registration expire and shall be renewed annually.

(g) If a registration expires, the pharmacy shall be reinspected and an inspection fee is required.

(h) A registrant shall employ a pharmacist-in-charge and operate in compliance with the legislative rules governing the practice of pharmacist care and the operation of a pharmacy.

(i) The provisions of this section do not apply to the sale of nonprescription drugs which are not required to be dispensed pursuant to a practitioner's prescription.

§30-5-23. Pharmacist-in-charge.

(a) A pharmacy shall be under the direction and supervision of a licensed pharmacist who shall be designated by the owner of the pharmacy as the pharmacist-in-charge: *Provided*, That the Board may permit by rule for a charitable clinic pharmacy to be supervised by a committee of pharmacists-in-charge who accept as a group the responsibilities of the required pharmacist-in-charge. This designation shall be filed with the board within thirty days of the designation.

(b) The pharmacist-in-charge is responsible for the pharmacy's compliance with state and federal pharmacy laws and regulations and for maintaining records and inventory.

(c) A pharmacist-in-charge may not hold such designated position at more than one pharmacy, whether within or outside the State of West Virginia: *Provided*, That the Board may permit by rule that he or she may volunteer as the pharmacist-in-charge at a charitable clinic pharmacy while serving as a pharmacist-in-charge in another pharmacy.

(d) An interim pharmacist-in-charge may be designated for a period not to exceed sixty days. The request for an interim pharmacist-in-charge shall detail the circumstances which warrant the change. This change in designation shall be filed with the board within thirty days of the designation.

§30-5-24. Permits for mail-order pharmacy.

(a) A mail-order pharmacy which dispenses drugs shall register with the board.

(b) A mail-order pharmacy shall submit an application for a permit to the board. The application shall require the following information:

(1) The owner of the mail-order pharmacy, whether an individual, a partnership, or a corporation.

(2) The names and titles of all individual owners, partners or corporate officers.

(3) The pharmacy manager.

(4) The pharmacist-in-charge.

(5) The complete address, telephone number and fax number of the mail-order pharmacy.

(c) This section does not apply to any mail-order pharmacy which operates solely as a wholesale distributor.

§30-5-25. Permit for manufacture and packaging of drugs, medicines, distribution of prescription drugs.

(a) Drugs may not be manufactured, made, produced, packed, packaged or prepared within the state, except under the personal supervision of a pharmacist or other qualified person as may be approved by the board;

(b) A person may not manufacture, package or prepare a drug without obtaining a permit from the board.

(c) A person, who offers for sale, sells, offers for sale through the method of distribution any prescription drugs is subject to this article.

(d) The application for a permit shall be made on a form to be prescribed and furnished by the board and shall be accompanied by an application fee.

(e) The board shall promulgate rules on permit requirements and sanitation requirements.

(f) Separate applications shall be made and separate permits issued for each place of manufacture, distribution, making, producing, packing, packaging or preparation.

§30-5-26. Filling of prescriptions more than one year after issuance.

A prescription order may not be dispensed after twelve months from the date of issuance by the practitioner. A pharmacist may fill the prescription after twelve months if the prescriber confirms to the pharmacist that he or she still wants the prescription filled and the pharmacist documents upon the prescription that the confirmation was obtained.

§30-5-27. Partial filling of prescriptions.

(a) The partial filling of a prescription is permissible for any prescription if the pharmacist is unable to supply, or the patient requests less than the full quantity called for in a written, electronic, or oral prescription, provided the pharmacist makes a notation of the quantity supplied on either the written prescription or in the electronic record.

(b) The partial filling of a prescription for a controlled substance listed in Schedule II is permissible if the pharmacist is unable to supply or the patient requests less than the full quantity called for in the prescription. The remaining portion of the prescription may be filled within seventy-two hours of the first partial filling: *Provided*, That if the remaining portion is not or cannot be filled within the seventy-two hour period, the pharmacist shall notify the prescribing individual practitioner. Further quantity may not be supplied beyond seventy-two hours without a new prescription.

§30-5-28. Partial filling of prescriptions for long-term care facility or terminally ill patients; requirements; records; violations.

(a) As used in this section, “long-term care facility” or “LTCF” means any nursing home, personal care home, or residential board and care home as defined in section two, article five-c, chapter sixteen of this code which provides extended health care to resident patients: *Provided*, That the care or treatment in a household, whether for compensation or not, of any person related by blood or marriage, within the degree of consanguinity of second cousin to the head of the household, or his or her spouse, may not be deemed to constitute a nursing home, personal care home or residential board and care home within the meaning of this article. This section does not apply to:

(1) Hospitals, as defined under section one, article five-b, chapter sixteen of this code or to extended care facilities operated in conjunction with a hospital;

(2) State institutions as defined in section six, article one, chapter twenty-seven or in section three, article one, chapter twenty-five, all of this code;

(3) Nursing homes operated by the federal government;

(4) Facilities owned or operated by the state government;

(5) Institutions operated for the treatment and care of alcoholic patients;

(6) Offices of physicians; or

(7) Hotels, boarding homes or other similar places that furnish to their guests only a room and board.

(b) As used in this section, “terminally ill” means that an individual has a medical prognosis that his or her life expectancy is six months or less.

(c) Schedule II prescriptions for patients in a LTCF and for terminally ill patients shall be valid for a period of sixty days from the date of issue unless terminated within a shorter period by the discontinuance of the medication.

(d) A prescription for a Schedule II controlled substance written for a patient in a LTCF or for a terminally ill patient may be filled in partial quantities, including, but not limited to, individual dosage units. The total quantity of Schedule II controlled substances dispensed in all partial filling may not exceed the total quantity prescribed.

(1) If there is any question whether a patient may be classified as having a terminal illness, the pharmacist shall contact the prescribing practitioner prior to partially filling the prescription.

(2) Both the pharmacist and the prescribing practitioner have a corresponding responsibility to assure that the controlled substance is for a terminally ill patient.

(e) The pharmacist shall record on the prescription that the patient is “terminally ill” or a “LTCF patient”. A prescription that is partially filled and does not contain the notation “terminally ill” or “LTCF patient” shall be deemed to have been filled in violation of section three hundred eight, article three, chapter sixty-a of this code.

(f) For each partial filling, the dispensing pharmacist shall record on the back of the prescription, or on another appropriate record which is readily retrievable, the following information:

- (1) The date of the partial filling;
- (2) The quantity dispensed;
- (3) The remaining quantity authorized to be dispensed; and

(4) The identification of the dispensing pharmacist.

(g) Information pertaining to current Schedule II prescriptions for terminally ill and LTCF patients may be maintained in a computerized system if such a system has the capability to permit either by display or printout, for each patient and each medication, all of the information required by this section as well as the patient's name and address, the name of each medication, original prescription number, date of issue, and prescribing practitioner information. The system shall also allow immediate updating of the prescription record each time a partial filling of the prescription is performed and immediate retrieval of all information required under this section.

§30-5-29. Limitations of article.

(a) This article may not be construed to prevent, restrict or in any manner interfere with the sale of nonnarcotic nonprescription drugs which may be lawfully sold without a prescription in accordance with the United States Food, Drug and Cosmetic Act or the laws of this state, nor may any legislative rule be adopted by the board which shall require the sale of nonprescription drugs by a licensed pharmacist or in a pharmacy or which shall prevent, restrict or otherwise interfere with the sale or distribution of such drugs by any retail merchant. The sale or distribution of nonprescription drugs may not be deemed to be improperly engaging in the practice of pharmacist care.

(b) This article may not be construed to interfere with any legally qualified practitioner of medicine, dentistry or veterinary medicine, who is not the proprietor of the store for the dispensing or retailing of drugs and who is not in the employ of such proprietor, in the compounding of his or her own prescriptions or to prevent him or her from supplying to his or her patients such medicines as he or she may deem proper, if such supply is not made as a sale.

(c) The exception provided in subsection (b) of this section does not apply to an ambulatory health care facility: *Provided*, That a legally licensed and qualified practitioner of medicine or dentistry may supply medicines to patients that he or she treats in a free clinic and that he or she deems appropriate.

§30-5-30. Actions to enjoin violations.

(a) If the board obtains information that any person has engaged in, is engaging in or is about to engage in any act which constitutes or will constitute a violation of the provisions of this article, the rules promulgated pursuant to this article, or a final order or decision of the board, it may issue a notice to the person to cease and desist in engaging in the act and/or apply to the circuit court in the county of the alleged violation for an order enjoining the act.

(b) The circuit court may issue a temporary injunction pending a decision on the merits, and may issue a permanent injunction based on its findings in the case.

(c) The judgment of the circuit court on an application permitted by the provisions of this section is final unless reversed, vacated or modified on appeal to the West Virginia Supreme Court of Appeals.

§30-5-31. Complaints; investigations; due process procedure; grounds for disciplinary action.

(a) The board may initiate a complaint upon receipt of credible information, and shall upon the receipt of a written complaint of any person, cause an investigation to be made to determine whether grounds exist for disciplinary action under this article or the legislative rules promulgated pursuant to this article.

(b) After reviewing any information obtained through an investigation, the board shall determine if probable cause exists that the licensee, registrant or permittee has violated subsection (g) of this section or rules promulgated pursuant to this article.

(c) Upon a finding of probable cause to go forward with a complaint, the board shall provide a copy of the complaint to the licensee, registrant or permittee.

(d) Upon a finding that probable cause exists that the licensee, registrant or permittee has violated subsection (g) of this section or rules promulgated pursuant to this article, the board may enter into a consent decree or hold a hearing for disciplinary action against the licensee, registrant or permittee. Any hearing shall be held in accordance with the provisions of this article, and shall require a violation to be proven by a preponderance of the evidence.

(e) Any member of the board or the executive director of the board may issue subpoenas and subpoenas duces tecum to obtain testimony and documents to aid in the investigation of allegations against any person regulated by the article.

(f) Any member of the board or its executive director may sign a consent decree or other legal document on behalf of the board.

(g) The board may, after notice and opportunity for hearing, deny or refuse to renew, suspend, restrict or revoke the license, registration or permit of, or impose probationary conditions upon or take disciplinary action against, any licensee, registrant or permittee for any of the following reasons:

(1) Obtaining a board authorization by fraud, misrepresentation or concealment of material facts;

(2) Being convicted of a felony or other crime involving moral turpitude or a violation of chapter sixty-a of this code.

(3) Being guilty of unprofessional conduct which placed the public at risk, as defined by legislative rule of the board;

(4) Intentional violation of a lawful order or legislative rule of the board;

(5) Having had a board authorization revoked or suspended, other disciplinary action taken, or an application for a board authorization revoked or suspended by the proper authorities of another jurisdiction;

(6) Aiding or abetting unlicensed practice;

(7) Engaging in an act while acting in a professional capacity which has endangered or is likely to endanger the health, welfare or safety of the public;

(8) Incapacity that prevents a licensee or registrant from engaging in the practice of pharmacist care or assisting in the practice of pharmacist care, with reasonable skill, competence, and safety to the public;

(9) Violation of any laws, including rules pertaining thereto, of this or any other jurisdiction, relating to the practice of pharmacist care, drug samples, drug manufacturing, wholesale or retail drug or device distribution, or controlled substances;

(10) Committing fraud in connection with the practice of pharmacist care;

(11) Disciplinary action taken by another state or jurisdiction against a board authorization to practice pharmacist care based upon conduct by the licensee, registrant or permittee similar to conduct that would constitute grounds for actions as defined in this section;

(12) Failure to report to the board any adverse action taken by another licensing jurisdiction, government agency, law-enforcement agency, or court for conduct that would constitute grounds for action as defined in this section;

(13) Failure to report to the board one's surrender of a license or authorization to practice pharmacist care in another jurisdiction

while under disciplinary investigation by any of those authorities or bodies for conduct that would constitute grounds for action as defined in this section;

(14) Failure to report to the board any adverse judgment, settlement, or award arising from a malpractice claim related to conduct that would constitute grounds for action as defined in this section;

(15) Knowing or suspecting that a licensee or registrant is incapable of engaging in the practice of pharmacist care or assisting in the practice of pharmacist care, with reasonable skill, competence, and safety to the public, and failing to report any relevant information to the board;

(16) Illegal use or disclosure of protected health information;

(17) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of any licensing examination;

(18) Failure to furnish to the board or its representatives any information legally requested by the board, or failure to cooperate with or knowingly engaging in any conduct which obstructs an investigation being conducted by the board;

(19) Agreeing to participate in a prescription drug product conversion program promoted or offered by a manufacturer, wholesaler or distributor of such product for which the pharmacist or pharmacy received any form of financial remuneration, or agreed to participate in a prescription drug program in which the pharmacist or pharmacy is promoted or offered as the exclusive provider of prescription drug products or whereby in any way the public is denied, limited or influenced in selecting pharmacist care or counseling;

(20) Violation of any of the terms or conditions of any order entered in any disciplinary action.

(h) For the purposes of subsection (g) of this section, effective July 1, 2013, disciplinary action may include:

(1) Reprimand;

(2) Probation;

(3) Restrictions;

(4) Suspension;

(5) Revocation;

(6) Administrative fine, not to exceed \$1,000 per day per violation;

(7) Mandatory attendance at continuing education seminars or other training;

(8) Practicing under supervision or other restriction; or

(9) Requiring the licensee, registrant or permittee to report to the board for periodic interviews for a specified period of time.

(i) In addition to any other sanction imposed, the board may require a licensee, registrant or permittee to pay the costs of the proceeding.

(j) The board may defer disciplinary action with regard to an impaired licensee or registrant who voluntarily signs an agreement, in a form satisfactory to the board, agreeing not to practice pharmacist care and to enter an approved treatment and monitoring program in accordance with the board's legislative rule. This subsection, provided that this section should not apply to a licensee or registrant who has been convicted of, pleads guilty to, or enters a plea of nolo contendere or a conviction relating to a controlled substance in any jurisdiction.

(k) A person authorized to practice under this article, who reports or otherwise provides evidence of the negligence, impairment or incompetence of another member of this profession to the board or to any peer review organization, is not liable to any person for making such a report if such report is made without actual malice and in the reasonable belief that such report is warranted by the facts known to him or her at the time.

§30-5-32. Procedures for hearing; right of appeal.

(a) Hearings are governed by the provisions of section eight, article one of this chapter.

(b) The board may conduct the hearing or elect to have an administrative law judge conduct the hearing.

(c) If the hearing is conducted by an administrative law judge, at the conclusion of a hearing he or she shall prepare a proposed written order containing findings of fact and conclusions of law. The proposed order may contain proposed disciplinary actions if the board so directs. The board may accept, reject or modify the decision of the administrative law judge.

(d) Any member or the executive director of the board has the authority to administer oaths, examine any person under oath and issue subpoenas and subpoenas duces tecum.

(e) If, after a hearing, the board determines the licensee, registrant or permittee has violated provisions of this article or the board's rules, a formal written decision shall be prepared which contains findings of fact, conclusions of law and a specific description of the disciplinary actions imposed.

§30-5-33. Judicial review.

Any person adversely affected by a decision of the board entered after a hearing may obtain judicial review of the decision in

accordance with section four, article five, chapter twenty-nine-a of this code, and may appeal any ruling resulting from judicial review in accordance with article six, chapter twenty-nine-a of this code.

§30-5-34. Criminal offenses.

When, as a result of an investigation under this article or otherwise, the board has reason to believe that a person authorized under this article has committed a criminal offense the board may bring its information to the attention of an appropriate law-enforcement official.

ARTICLE 8. WHOLESALE DRUG DISTRIBUTION LICENSING ACT OF 1991.

§60A-8-7. Wholesale drug distributor licensing requirements.

(a) Every applicant for a license under this article shall provide the board with the following as part of the application for a license and as part of any renewal of such license:

(1) The name, full business address and telephone number of the licensee;

(2) All trade or business names used by the licensee;

(3) Addresses, telephone numbers and the names of contact persons for all facilities used by the licensee for the storage, handling and distribution of prescription drugs;

(4) The type of ownership or operation (i.e., partnership, corporation or sole proprietorship);

(5) The name(s) of the owner and operator, or both, of the licensee, including:

(A) If a person, the name of the person;

(B) If a partnership, the name of each partner and the name of the partnership;

(C) If a corporation, the name and title of each corporate officer and director, the corporate names and the name of the state of incorporation; and

(D) If a sole proprietorship, the full name of the sole proprietor and the name of the business entity; and

(6) Any other information or documentation that the board may require.

(b) All wholesale distributors and pharmacy distributors shall be subject to the following requirements:

(1) No person or distribution outlet may act as a wholesale drug distributor without first obtaining a license to do so from the Board of Pharmacy and paying any reasonable fee required by the Board of Pharmacy, such fee not to exceed four hundred dollars per year: *Provided*, That for licenses that are effective on and after July 1, 2012, the annual fee shall be \$750 per license until modified by legislative rule. All fees collected pursuant to this section shall be used for the operation and implementation of the West Virginia Controlled Substances Monitoring Program database or in the same manner as those fees governed by ~~section fourteen-b~~, article five, chapter thirty of this code.

(2) The Board of Pharmacy may grant a temporary license when a wholesale drug distributor first applies to the board for a wholesale drug distributor's license and the temporary license shall remain valid until the Board of Pharmacy finds that the applicant meets or fails to meet the requirements for regular licensure, except that no temporary license shall be valid for more than ninety days from the date of issuance. Any temporary license issued pursuant to this subdivision shall be renewable for a similar period of time

not to exceed ninety days pursuant to policies and procedures to be prescribed by the Board of Pharmacy.

(3) No license may be issued or renewed for a wholesale drug distributor to operate unless the distributor operates in a manner prescribed by law and according to the rules promulgated by the Board of Pharmacy with respect thereto.

(4) The Board of Pharmacy may require a separate license for each facility directly or indirectly owned or operated by the same business entity within this state, or for a parent entity with divisions, subsidiaries, or affiliate companies within this state when operations are conducted at more than one location and there exists joint ownership and control among all the entities.

(c) The minimum qualifications for licensure are set forth in this section as follows:

(1) As a condition for receiving and retaining any wholesale drug distributor license issued pursuant to this article, each applicant shall satisfy the Board of Pharmacy that it has and will continuously maintain:

(A) Acceptable storage and handling conditions plus facilities standards;

(B) Minimum liability and other insurance as may be required under any applicable federal or state law;

(C) A security system which includes after hours central alarm or comparable entry detection capability, restricted premises access, adequate outside perimeter lighting, comprehensive employment applicant screening and safeguards against employee theft;

(D) An electronic, manual or any other reasonable system of records describing all wholesale distributor activities governed by this article for the two-year period following disposition of each

product and being reasonably accessible as defined by Board of Pharmacy regulations during any inspection authorized by the Board of Pharmacy;

(E) Officers, directors, managers and other persons in charge of wholesale drug distribution, storage and handling, who must at all times demonstrate and maintain their capability of conducting business according to sound financial practices as well as state and federal law;

(F) Complete, updated information to be provided to the Board of Pharmacy as a condition for obtaining and retaining a license about each wholesale distributor to be licensed under this article including all pertinent licensee ownership and other key personnel and facilities information determined necessary for enforcement of this article;

(G) Written policies and procedures which assure reasonable wholesale distributor preparation for protection against and handling of any facility security or operation problems, including, but not limited to, those caused by natural disaster or government emergency, inventory inaccuracies or product shipping and receiving, outdated product or other unauthorized product control, appropriate disposition of returned goods and product recalls;

(H) Sufficient inspection procedures for all incoming and outgoing product shipments; and

(I) Operations in compliance with all federal legal requirements applicable to wholesale drug distribution.

(2) The board of pharmacy shall consider, at a minimum, the following factors in reviewing the qualifications of persons who apply for a wholesale distributor license under this section or for renewal of that license:

(A) Any conviction of the applicant under any federal, state or local laws relating to drug samples, wholesale or retail drug distribution or distribution of controlled substances;

(B) Any felony convictions of the applicant or any key person under federal, state or local laws;

(C) The applicant's past experience in the manufacture or distribution of prescription drugs, including, but not limited to, controlled substances;

(D) The furnishing by the applicant of false or fraudulent material in any application made in connection with drug manufacturing or distribution;

(E) Suspension or revocation by federal, state or local government of any license currently or previously held by the applicant for the manufacture or distribution of any drug, including, but not limited to, controlled substances;

(F) Compliance with licensing requirements under previously granted licenses, if any;

(G) Whether personnel employed by the applicant in wholesale drug distribution have appropriate education or experience, or both education and experience, to assume responsibility for positions related to compliance with the requirements of this article;

(H) Compliance with requirements to maintain and make available to the Board of Pharmacy or to federal, state or local law-enforcement officials those records required by this article; and

(I) Any other factors or qualifications the Board of Pharmacy considers relevant to and consistent with the public health and safety, including whether the granting of the license would not be in the public interest.

(3) All requirements set forth in this subsection shall conform to wholesale drug distributor licensing guidelines formally adopted by the United States Food and Drug Administration (FDA); and in case of conflict between any wholesale drug distributor licensing requirement imposed by the Board of Pharmacy pursuant to this subsection and any food and drug administration wholesale drug distributor licensing guideline, the latter shall control.

(d) An employee of any licensed wholesale drug distributor need not seek licensure under this section and may lawfully possess pharmaceutical drugs when the employee is acting in the usual course of business or employment.

(e) The issuance of a license pursuant to this article does not change or affect tax liability imposed by this state's Department of Tax and Revenue on any wholesale drug distributor.

(f) An applicant who is awarded a license or renewal of a license shall give the board written notification of any material change in the information previously submitted in, or with the application for the license or for renewal thereof, whichever is the most recent document filed with the board, within thirty days after the material change occurs or the licensee becomes aware of the material change, whichever event occurs last. Material changes include, but are not limited to:

(1) A change of the physical address or mailing address;

(2) A change of the responsible individual, compliance officer or other executive officers or board members;

(3) A change of the licensee's name or trade name;

(4) A change in the location where the records of the licensee are retained;

(5) The felony conviction of a key person of the licensee; and

(6) Any other material change that the board may specify by rule.

(g) Before denial of a license or application for renewal of a license, the applicant shall be entitled to a hearing in accordance with subsection (h), section eight, article one, chapter thirty of this code.

(h) The licensing of any person as a wholesale drug distributor subjects the person and the person's agents and employees to the jurisdiction of the board and to the laws of this state for the purpose of the enforcement of this article, article five, chapter thirty of this code and the rules of the board. However, the filing of an application for a license as a wholesale drug distributor by, or on behalf of, any person or the licensing of any person as a wholesale drug distributor may not, of itself, constitute evidence that the person is doing business within this state.

(i) The Board of Pharmacy may adopt rules pursuant to section nine of this article which permit out-of-state wholesale drug distributors to obtain any license required by this article on the basis of reciprocity to the extent that: (1) An out-of-state wholesale drug distributor possesses a valid license granted by another state pursuant to legal standards comparable to those which must be met by a wholesale drug distributor of this state as prerequisites for obtaining a license under the laws of this state; and (2) such other state would extend reciprocal treatment under its own laws to a wholesale drug distributor of this state.

CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCES ACT.

ARTICLE 10. METHAMPHETAMINE LABORATORY ERADICATION ACT.

§60A-10-3. Definitions.

In this article:

(a) “Board of Pharmacy” or “board” means the West Virginia Board of Pharmacy established by the provisions of article five, chapter thirty of this code.

(b) “Designated precursor” means any drug product made subject to the requirements of this article by the provisions of section ten of this article.

(c) “Distributor” means any person within this state or another state, other than a manufacturer or wholesaler, who sells, delivers, transfers or in any manner furnishes a drug product to any person who is not the ultimate user or consumer of the product.

(d) “Drug product” means a pharmaceutical product that contains ephedrine, pseudoephedrine or phenylpropanolamine or a substance identified on the supplemental list provided in section seven of this article which may be sold without a prescription and which is labeled for use by a consumer in accordance with the requirements of the laws and rules of this state and the federal government.

(e) “Ephedrine” means ephedrine, its salts or optical isomers or salts of optical isomers.

(f) “Manufacturer” means any person within this state who produces, compounds, packages or in any manner initially prepares for sale or use any drug product or any such person in another state if they cause the products to be compounded, packaged or transported into this state.

(g) “National Association of Drug Diversion Investigators” or “NADDI” means the non-profit 501(c)(3) organization established in 1989, made up of members who are responsible for investigating and prosecuting pharmaceutical drug diversion, and that facilitates cooperation between law enforcement, health care professionals,

state regulatory agencies and pharmaceutical manufacturers in the investigation and prevention of prescription drug abuse and diversion.

(h) “Multi-State Real-Time Tracking System” or “MSRTTS” means the real-time electronic logging system provided by NADDI at no cost to states that have legislation requiring real-time electronic monitoring of precursor purchases, and agree to use the system. MSRTTS is used by pharmacies and law enforcement to track sales of over-the-counter (OTC) cold and allergy medications containing precursors to the illegal drug, methamphetamine.

(i) “Phenylpropanolamine” means phenylpropanolamine, its salts, optical isomers and salts of optical isomers.

(j) “Pseudoephedrine” means pseudoephedrine, its salts, optical isomers and salts of optical isomers.

(k) “Precursor” means any substance which may be used along with other substances as a component in the production and distribution of illegal methamphetamine.

(l) “Pharmacist” means an individual currently licensed by this state to engage in the practice of ~~pharmacy and pharmaceutical~~ pharmacist care as defined in subsection (t), section one-b, article five, chapter thirty of this code.

(m) “Pharmacy intern” has the same meaning as the term “intern” as set forth in section one-b, article five, chapter thirty of this code.

(n) “Pharmacy” means any drugstore, apothecary or place within this state where drugs are dispensed and sold at retail or display for sale at retail and ~~pharmaceutical~~ pharmacist care is provided outside of this state where drugs are dispensed and ~~pharmaceutical~~ pharmacist care is provided to residents of this state.

(o) “Pharmacy counter” means an area in the pharmacy restricted to the public where controlled substances are stored and housed

and where controlled substances may only be sold, transferred or dispensed by a pharmacist, pharmacy intern or pharmacy technician.

(p) “Pharmacy technician” means a registered technician who meets the requirements for registration as set forth in article five, chapter thirty of this code.

(q) “Retail establishment” means any entity or person within this state who sells, transfers or distributes goods, including over-the-counter drug products, to an ultimate consumer.

(r) “Schedule V” means the schedule of controlled substances set out in section two hundred twelve, section two of this chapter.

(s) “Superintendent of the State Police” or “Superintendent” means the Superintendent of the West Virginia State Police as set forth in section five, article two, chapter fifteen of this code.

(t) “Wholesaler” means any person within this state or another state, other than a manufacturer, who sells, transfers or in any manner furnishes a drug product to any other person in this state for the purpose of being resold.

§60A-10-5. Restrictions on the sale, transfer or delivery of certain drug products; penalties.

(a) No pharmacy or individual may display, offer for sale or place a drug product containing ephedrine, pseudoephedrine or phenylpropanolamine or other designated precursor where the public may freely access the drug product. All such drug products or designated precursors shall be placed behind a pharmacy counter where access is restricted to a pharmacist, a pharmacy intern, a pharmacy technician or other pharmacy employee.

(b) All storage of drug products regulated by the provisions of this section shall be in a controlled and locked access location that is not accessible by the general public and shall maintain strict

inventory control standards and complete records of quantity of the product maintained in bulk form.

(c) No pharmacy may sell, deliver or provide any drug product regulated by the provisions of this section to any person who is under the age of eighteen.

(d) If a drug product regulated by the provisions of this section is transferred, sold or delivered, the individual, pharmacy or retail establishment transferring, selling or delivering the drug product shall offer to have a pharmacist provide patient counseling, as defined by ~~section one-b~~, article five, chapter thirty of this code and the rules of the Board of Pharmacy, to the person purchasing, receiving or acquiring the drug product in order to improve the proper use of the drug product and to discuss contraindications.

(e) If a drug product regulated by the provisions of this section is transferred, sold or delivered, the individual, pharmacy or retail establishment transferring, selling or delivering the drug product shall require the person purchasing, receiving or otherwise acquiring the drug product to:

(1) Produce a valid government-issued photo identification showing his or her date of birth; and

(2) Sign a logbook, in either paper or electronic format, containing the information set forth in subsection (b), section eight of this article and attesting to the validity of the information.

(f) Any person who knowingly makes a false representation or statement pursuant to the requirements of this section is guilty of a misdemeanor and, upon conviction, be confined in a jail for not more than six months, fined not more than \$5,000, or both fined and confined.

(g) (1) The pharmacist, pharmacy intern or pharmacy technician processing the transaction shall determine that the name entered in the logbook corresponds to the name provided on the identification.

(2) Beginning January 1, 2013, a pharmacy or retail establishment shall, before completing a sale under this section, electronically submit the information required by section eight of this article to the Multi-State Real-Time Tracking System (MSRTTS) administered by the National Association of Drug Diversion Investigators (NADDI): *Provided*, That the system is available to retailers in the state without a charge for accessing the system. This system shall be capable of generating a stop-sale alert, which shall be a notification that completion of the sale would result in the seller or purchaser violating the quantity limits set forth in this article. The seller may not complete the sale if the system generates a stop-sale alert. The system shall contain an override function that may be used by a dispenser of a drug product who has a reasonable fear of imminent bodily harm if he or she does not complete a sale. Each instance in which the override function is utilized shall be logged by the system. Absent negligence, wantonness, recklessness or deliberate misconduct, any retailer utilizing the Multi-State Real-Time Tracking System in accordance with this subdivision may not be civilly liable as a result of any act or omission in carrying out the duties required by this subdivision and is immune from liability to any third party unless the retailer has violated any provision of this subdivision in relation to a claim brought for the violation.

(3) If a pharmacy or retail establishment selling a nonprescription product containing ephedrine, pseudoephedrine or phenylpropanolamine experiences mechanical or electronic failure of the Multi-State Real-Time Tracking System and is unable to comply with the electronic sales tracking requirement, the pharmacy or retail establishment shall maintain a written log or an alternative electronic record keeping mechanism until such time as the pharmacy or retail establishment is able to comply with the electronic sales tracking requirement.

(h) This section does not apply to drug products that are dispensed pursuant to a prescription, are pediatric products primarily intended for administration, according to label instructions, to children under twelve years of age.

(i) Any violation of this section is a misdemeanor, punishable upon conviction by a fine in an amount not more than \$10,000.

(j) The provisions of this section supersede and preempt all local laws, ordinances, rules and regulations pertaining to the sale of any compounds, mixtures or preparation containing ephedrine, pseudoephedrine or phenylpropanolamine.

On motion of Senator Stollings, the following amendment to the Government Organization committee amendment to the bill (Eng. Com. Sub. for H. B. No. 2577) was next reported by the Clerk and adopted:

On page eighteen, section four, subdivision (42), after the word "practice." by inserting the following:

These services may include the following, according to the individual needs of the patient:

(A) Performing or obtaining necessary assessments of the patient's health status pertinent to medication therapy management;

(B) Optimize medication use, performing medication therapy, and formulating recommendations for patient medication care plans;

(C) Developing therapeutic recommendations, to resolve medication related problems;

(D) Monitoring and evaluating the patient's response to medication therapy, including safety and effectiveness;

(E) Performing a comprehensive medication review to identify, resolve, and prevent medication-related problems, including adverse drug events;

(F) Documenting the care delivered and communicating essential information to the patient's primary care providers;

(G) Providing verbal education and training designed to enhance patient understanding and appropriate use of his or her medications;

(H) Providing information, support services and resources designed to enhance patient adherence with his or her medication therapeutic regimens;

(I) Coordinating and integrating medication therapy management services within the broader health care management services being provided to the patient; and

(J) Such other patient care services as may be allowed by law.

On motion of Senator Snyder, the following amendment to the Government Organization committee amendment to the bill (Eng. Com. Sub. for H. B. No. 2577) was next reported by the Clerk and adopted:

On page sixty-two, section thirty-one, subsection (g), subdivision (2), after the word “felony” by inserting a comma and striking out the word “or”.

The question now being on the adoption of the Government Organization committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. No. 2577), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2590, Creating a public nonprofit corporation and governmental instrumentality to collectively address several environmental and economic development programs.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 21. WEST VIRGINIA LAND STEWARDSHIP CORPORATION.

PART I. SHORT TITLE, DECLARATION OF POLICY,
PURPOSE OF ARTICLE AND DEFINITIONS.

§31-21-1. Short title.

This article shall be known and may be cited as The West Virginia Land Stewardship Corporation Act.

§31-21-2. Definitions.

The following words used in this article, unless the context clearly indicates a different meaning, are defined as follows:

(1) “Agreement” means any agreement being entered into between the nonprofit corporation and a business, corporation, private party or local or state government.

(2) “All appropriate inquiries” or “AAI” means the process of evaluating a property’s environmental conditions and assessing the likelihood of any contamination. Every Phase I environmental assessment must be conducted in compliance with the All Appropriate Inquiries Final Rule at 40 CFR Part 312.

(3) “Board of directors” or “board” means the board of directors of the corporation to be appointed under the provisions of section six of this article.

(4) “Certified sites” means those sites that are developable properties that have been prequalified as having proper land use designation, utilities, transportation improvements, availability, and pricing. Criteria for prequalification include, but are not limited to, established pricing terms and conditions so that property acquisition can be negotiated quickly and without time-consuming delays.

(5) “Charitable purposes” means the 501(c)(3) subclasses of “lessening the burden of the government” where the government identifies a need for the nonprofit entity to assist with a governmental service and the nonprofit collaborates with the government entity, and “environmental protection for the benefit of the public” where the services of the corporation benefit the general public by protecting public health and the environment as well as assisting with state and local economic development initiatives.

(6) “Contaminants” has the same meaning as defined in the environmental acts referenced in subdivision (13) of this section.

(7) “Corporation” means the West Virginia Land Stewardship Corporation, a nonstock, nonprofit corporation to be established under the West Virginia Nonprofit Corporation Act, article two, chapter thirty-one-e of this code, and with nonprofit status under one or more charitable purposes under 501(c) of the Internal Revenue Code of 1986, as amended.

(8) “Corporate directors” means the members of the board of directors of the corporation.

(9) “Department of Environmental Protection” or the “DEP” means the West Virginia Department of Environmental Protection or any successor agency.

(10) “Enforcement tools” means any order, permit, consent decree or environmental covenant or similar mechanisms which restrict or control certain land uses implemented at IEC Sites.

(11) “Engineering controls” or “ECs” means physical controls or measures designed to eliminate the potential for human exposure to contamination by limiting direct contact with contaminated areas, or controlling contaminants from migrating through environmental media into soil, groundwater or off-site.

(12) “Enrolled sites” means properties enrolled and accepted for participation in the voluntary Land Stewardship Program.

(13) “Environmental acts” means the Surface Coal Mining and Reclamation Act set forth in article three, chapter twenty-two of this code; the Air Pollution Control Act set forth in article five, chapter twenty-two of this code; the Water Pollution Control Act set forth in article eleven, chapter twenty-two of this code; the Groundwater Protection Act set forth in article twelve, chapter twenty-two of this code; the Solid Waste Management Act set forth in article fifteen, chapter twenty-two of this code; the Solid Waste Landfill Closure Assistance Program set forth in article sixteen, chapter twenty-two of this code; the Underground Storage Tank Act set forth in article seventeen, chapter twenty-two of this code; the Hazardous Waste Management Act set forth in article eighteen, chapter twenty-two of this code; section 103(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U. S. C. §9603(a)); section 304 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U. S. C. §§11001 to 11050); the Occupational Safety and Health Act set forth in 29 U. S. C. §§651 to 678; the Hazardous and Solid Waste Amendments of 1984, as amended, set forth in 42 U. S. C. §§6901, et seq.; and the Toxic Substances Control Act set forth in 15 U. S. C. §§2601, et seq.; and any applicable regulations promulgated under the foregoing environmental statutes.

(14) “Governmental controls” means any state laws, ordinances, orders, permits, consent decrees and similar mechanisms which restrict or control certain land uses implemented at IEC Sites in this state.

(15) “Institutional and Engineering Control Sites” or “IEC Sites” means sites in this state that have been remediated or closed under a federal or state environmental program, including, but not limited to, brownfields, underground storage tanks, closed landfills, open dumps, hazardous waste sites, and former mining sites with ongoing water treatment as part of mine reclamation efforts.

(16) “Informational devices” means deed notices or other written documents that describe the remediation that was conducted on an IEC Site, the constituents of concern, and the remediation standards that were achieved. Informational devices shall be filed with property records in the office of the county clerk of the county in which the property is located as an advisory to provide environmental information to future buyers or users of the IEC Site.

(17) “Institutional Controls” or “ICs” means administrative and legal controls that do not involve construction or physically changing the site and are generally divided into four categories: 1) Government controls, 2) Proprietary controls, 3) Enforcement tools, and 4) Informational devices. ICs are nonengineering measures that help minimize the potential for human exposure to contamination and/or protect the integrity of the remedy by limiting land or resource use.

(18) “Nonprofit corporation” means a corporation established under the West Virginia Nonprofit Corporation Act, article two, chapter thirty-one-e of this code, to fulfill the purposes of this article.

(19) “Pollutants” has the same meaning as defined in the environmental acts referenced in subdivision (13) of this section.

(20) “Proprietary controls” mean legal property interests created under real property laws that rely on legal documents recorded in the chain of title for the site, and “run with the land” to bind future landowners. Examples of proprietary controls include, but are not limited to, environmental covenants, deed land use restrictions,

water withdrawal prohibitions and continuing right-of-entry easements for former owners or regulators to inspect, monitor and maintain the IECs.

(21) “Regulated substances” has the same meaning as defined in the environmental acts referenced in subdivision (13) of this section.

(22) “Releases” has the same meaning as defined in the environmental acts referenced in subdivision (13) of this section.

§31-21-3. Declaration of policy.

(a) The Legislature finds and declares that developable land is one of West Virginia’s most valuable resources in terms of net contributions to the state’s economy and tax base.

(b) The Legislature further finds that:

(1) Due to topography, the state has somewhat limited amounts of developable land and that promoting the productive reuse of idled and underutilized commercial, industrial and mining properties will maximize this valuable resource and foster reuse of sites with existing public infrastructure;

(2) An entity that specializes in promoting the productive reuse of idled or underutilized commercial, industrial and mining properties will help the state and its citizenry to plan more wisely for sustainable property reuse and economic development efforts;

(3) An entity created to address and reduce regulatory and economic uncertainty by being a repository of site history and remediation information about formerly used properties can be a benefit to attracting new employers or encouraging businesses to relocate, remain or expand within the state;

(4) An entity that assists the Department of Environmental Protection with a voluntary land stewardship program for the long-term safeguarding of remediated sites using institutional controls and engineering controls can ensure that the remedy remains protective of human health and the environment;

(5) An entity that also assists in identifying formerly used properties that are ready for redevelopment and construction within twelve months or less from acquisition and certifies these properties as “project-ready” for specific industry profiles can increase economic development efforts within the state;

(6) An entity that also acts as a land bank to accept title to formerly used properties as an intermediary step to help seek a purchaser, and ready the properties for reuse through environmental assessment, remediation, building demolition or other efforts, can be a useful ally to the state, local governments, real estate developers and businesses for transacting property conveyances, redevelopment and creating or retaining jobs; and

(7) The promotion of private investment in our developable land and West Virginia businesses will reduce unemployment by creating new or maintaining existing opportunities for the citizens of this state.

§31-21-4. Purpose of article.

The purpose of this article is to provide for the creation of a special purpose nonprofit corporation with a comprehensive mission to:

(1) Assist the DEP in utilizing a voluntary land stewardship program for the long-term safeguarding of IEC Sites to ensure that the remedy remains protective of human health and the environment and to facilitate further economic development and reuse opportunities;

(2) Provide the DEP and other parties with a reliable source of oversight, monitoring and information about IEC Sites under the voluntary land stewardship program;

(3) Establish a land bank as a legal and financial mechanism to accept title to properties and assist in transforming idled and underutilized properties back to productive reuse;

(4) Facilitate reuse and redevelopment by authorizing the conveyance of certain properties to a land bank under a voluntary land bank program and assist the state and local governments with the assembly and clearance of title to property in a coordinated manner;

(5) Promote economic growth by implementing a state certified sites program to identify sites that are ready for construction within twelve months or less and that are certified “project-ready” for specific industry profiles as well as other categories of sites identified for economic development opportunities;

(6) Provide voluntary programs on a fee or subscription basis with the nonprofit corporation to protect human health and the environment as well as assist with a variety of economic development efforts throughout the state; and

(7) Prescribe the powers and duties of the nonprofit corporation; provide for the creation and appointment of a board to govern the nonprofit corporation and to prescribe its powers and duties; and to extend protections against certain environmental liabilities to the nonprofit corporation in order to protect it from liabilities created by third parties.

PART II. WEST VIRGINIA LAND STEWARDSHIP CORPORATION.

§31-21-5. Creation of the West Virginia Land Stewardship Corporation; powers and limitations.

(a) The corporation shall be organized as a nonprofit, nonstock corporation under the West Virginia Nonprofit Corporation Act, article two, chapter thirty-one-e of this code. The property thereof is deemed to be held for an area economic development purpose under subdivision fourteen, subsection (a), section nine, article three, chapter eleven of this code.

(b) The corporation shall apply for recognition of nonprofit exempt status by the United States Internal Revenue Service under one or more charitable purposes within the meaning of section 501(c) of the Internal Revenue Code of 1986, as amended.

(c) The corporate name for the corporation shall be the “West Virginia Land Stewardship Corporation”.

(d) The corporation shall have all of the powers of a nonprofit corporation as set forth in chapter thirty-one-e of this code.

(e) Except as otherwise provided in chapter thirty-one-e of this code or in this article, the corporation may do all things necessary or convenient to implement the purposes, objectives and provisions of this article and the purposes, objectives and powers delegated to the board of directors of a nonprofit corporation by other laws or executive orders, including, but not limited to, all of the following:

(1) Adopt, amend and repeal bylaws for the regulation of its affairs and the conduct of its business;

(2) Establish the service offerings and related fees for such services under each of the voluntary programs described herein;

(3) Sue and be sued in its own name and plead and be impleaded, including, but not limited to, defending the corporation in an action arising or resulting from the services, programs and responsibilities arising under this article;

(4) Solicit and accept gifts, grants, labor, loans, services and other aid from any person, or the federal government, this state or a political subdivision of this state or any agency of the federal government or a state institution of higher education or nonprofit affiliates or an intergovernmental entity created under the laws of this state, or participate in any other way in a program of the federal government;

(5) Procure insurance against risk and loss in connection with the programs, property, assets or activities of the corporation;

(6) Invest money of the corporation, at the discretion of the board of directors, in instruments, obligations, securities or property determined proper by the board of directors of the corporation and name and use depositories for its money;

(7) Employ legal and technical experts, contractors, consultants, agents or employees, permanent or temporary, paid from the funds of the corporation. The corporation shall determine the qualifications, duties and compensation of those it employs;

(8) Contract for goods and services and engage personnel as necessary, contract with Regional Brownfield Assistance Centers as set out in section seven, article eleven, chapter eighteen-b of this code, and engage the services of private consultants, managers, legal counsel, engineers, accountants and auditors for rendering professional environmental, legal and financial assistance and advice payable from funds of the corporation;

(9) Create limited liability companies or other sole purpose entities or devices to accept and hold real property as part of administering its programs;

(10) Study, develop and prepare the reports or plans the corporation considers necessary to assist it in the exercise of its powers under this article and to monitor and evaluate progress under this article; and

(11) Enter into contracts for the management of, the collection of rent from, or the sale of real property held by the corporation.

(f) The enumeration of a power in this article may not be construed as a limitation upon the general powers of the corporation. The powers granted under this article are in addition to those powers granted by any other statute or as provided in articles of incorporation filed with the Secretary of State.

(g) The property of the corporation and its income and operations are exempt from all taxation by this state or any of its political subdivisions. Property owned and leased by the corporation as lessor to a commercial lessee or an industrial lessee is hereby declared to be tax exempt and held by the corporation for a public purpose. A payment in lieu of taxes, payable by the lessee, shall be established for any property so leased, in an amount not less than the property tax otherwise payable on the property. The lessee's leasehold interest therein is hereby declared to be a tax exempt leasehold interest held for a public purpose so long as the payment in lieu of taxes is timely paid. Payments made to any county commission, county school board or municipality in lieu of tax pursuant to such agreement shall be distributed as if the payments resulted from ad valorem property taxation.

(h) The corporation may not issue tax-exempt financing or issue bonds.

(i) The corporation does not have the power of eminent domain or the ability to condemn property.

(j) The exercise by the corporation of powers and duties under this article and its activities under the programs described herein shall be considered a necessary public purpose and for the benefit of the public.

(k) The corporation is not liable under the environmental acts or common law equivalents to the state or to any other person by

virtue of the fact that the corporation is fulfilling the purposes of this article including, but not limited to, providing land stewardship services or accepting title to property under any program established under this article unless:

(1) The corporation, its employees or agents directly cause an immediate release or directly exacerbate a release of regulated substances on or from a property that is an enrolled site or accepted into the land bank program; or

(2) The corporation, its employees or agents knowingly and willfully do an action which causes an immediate release of regulated substances or violates an environmental act. Liability pursuant to this article is limited to the cost for a response action which may be directly attributable to the corporation's activities, and only if these activities are the proximate and efficient cause of the release or violation. Ownership or control of the property after accepting title in the land bank program does not by itself trigger liability.

(l) The corporation shall adopt a code of ethics for its directors, officers and employees.

(m) The corporation shall establish policies and procedures requiring the disclosure of relationships that may give rise to a conflict of interest. The board of directors of the corporation shall require that any member of the board with a direct or indirect interest in any matter before the corporation disclose the member's interest to the governing body before the board takes any action on the matter.

(n) The programs that are established under this article and administered by the corporation are voluntary programs. Parties can participate in the land stewardship program, certified sites program and land bank program at their option.

(o) In the event of a conveyance of property to the corporation, at the discretion of the corporation, the prior owner may be required

to post a bond or other type of financial assurance for any potential future remediation, in order to ensure the original owner's liability is maintained.

(p) The state may contract with the corporation for services for properties for which the state is responsible and may enter into long-term contracts for services that are funded under a trust agreement or provided in an escrow account.

§31-21-6. Board of directors.

(a) The purposes, powers and duties of the corporation shall be exercised by its board of directors. Board meetings shall be chaired by the Governor or his or her designee. The corporation's board shall also consist of the following thirteen members:

(1) The Governor shall appoint three residents of this state;

(2) The West Virginia Chamber of Commerce shall nominate three residents of this state for the Governor's consideration, one of whom the Governor shall appoint;

(3) The West Virginia Manufacturers' Association shall nominate three residents of this state for the Governor's consideration, one of whom the Governor shall appoint;

(4) The West Virginia Coal Association shall nominate three residents of this state for the Governor's consideration, one of whom the Governor shall appoint;

(5) The United Mine Workers Association shall nominate three residents of this state for the Governor's consideration, one of whom the Governor shall appoint;

(6) The West Virginia Environmental Council shall nominate three residents of this state for the Governor's consideration, one of whom the Governor shall appoint;

(7) The AFL-CIO shall nominate three residents of this state for the Governor's consideration, one of whom the Governor shall appoint;

(8) The Secretary of the DEP or his or her designee;

(9) The Secretary of the Department of Commerce or his or her designee;

(10) One member of the Senate appointed by the Senate President who shall serve as an ex officio nonvoting member; and

(11) One member of the House of Delegates appointed by the Speaker who shall serve as an ex officio nonvoting member.

(b) The members appointed by the Governor shall serve terms of four years: *Provided*, That for the initial appointments the Governor shall designate five to serve for four years each, three to serve for three years each and one to serve for two years. When an appointee resigns, dies or is removed during that person's term, his or her successor shall be appointed for the remaining portion of the unexpired term. Once appointed, a person may be reappointed to successive four-year terms.

(c) Corporate directors shall serve without compensation, but shall be reimbursed for actual and necessary expenses in accordance with the regulations of the board.

(d) The corporate directors shall appoint a person to serve as the executive director of the corporation and at the will and pleasure of the board. A member of the board is not eligible to hold the position of executive director.

(e) Subject to the approval of the board, the executive director shall supervise, and be responsible for, the performance of the functions and programs of the corporation under this article. The executive director shall attend the meetings of the board and shall

provide the board of directors with a regular report describing the activities and financial condition of the corporation. The executive director shall furnish the board of directors with information or reports governing the operation of the corporation as the board requires.

(f) The board may do all other things necessary or convenient to achieve the objectives and purposes of the corporation or other laws that relate to the purposes and responsibilities of the corporation.

PART III. VOLUNTARY LAND STEWARDSHIP PROGRAM.

§31-21-7. Voluntary land stewardship program.

(a) When the voluntary land stewardship program is implemented, remediation parties and site owners of IEC Sites will have the option, for a fee, to participate in this program. The fee shall be established by the corporation for services provided for an enrolled site as that term is defined in section four of this article. The fees once established may be revised from time to time in the discretion of the board.

(b) The universe of sites or properties covered under this section of this article includes, but is not limited to, those IEC Sites remediated or closed under a federal or state environmental program, including brownfields, underground storage tanks, closed landfills, open dumps, hazardous waste sites, and former mining sites with ongoing water treatment as part of mine reclamation efforts.

(c) The corporation is further authorized to provide at a minimum the following voluntary land stewardship services for enrolled sites:

(1) Establish or maintain any ICs by filing the appropriate documents or updating such documents when the site is leased, conveyed, subdivided or when remediation occurs: *Provided*, That the corporation's responsibilities for those activities are expressly

identified in agreements for the IEC Site that will be negotiated when a site is enrolled in the voluntary land stewardship program;

(2) Conduct physical inspections of the enrolled sites, including inspecting or monitoring any ECs (e.g., media treatment systems, fences, caps and other mechanisms used as part of the remedy at the IEC Site) and site activities to assure that the enrolled sites continue to comply with the IECs, such as maintenance of ECs and inspecting for compliance with restrictions of specific land uses;

(3) Monitor and operate any required media treatment systems and/or conduct routine surface water, groundwater and or gas monitoring and prepare any monitoring or inspection reports that may be part of the corporation's responsibilities under site enrollment agreements;

(4) Conduct periodic reviews of the county land records to monitor transfers or deed filings to assure that the records are consistent with the required IECs for the enrolled sites, and provide notices to the clerk of the county commission about the results of monitoring or tracking of such records;

(5) Develop administrative records concerning the remediation at enrolled sites in an electronic database, respond to inquiries and coordinate the sharing of such data among various stakeholders, including the DEP, current owners, the remediating parties if not the owners, other state or local agencies (such as county and regional economic development authorities), assessors, potential purchasers, landowners and tenants;

(6) Develop and maintain records and information about enrolled sites for posting on the DEP environmental registry, or any other registry that is used for tracking IECs for IEC Sites in West Virginia and provide for public access to such information; and

(7) Coordinate and share data with West Virginia Miss Utility, the "One-Call" System, including verifying the location of ECs

on enrolled sites, providing information about remediation, and sharing any health and safety plans or soil management plans that may be associated with an enrolled site in order to assist any planned excavation at the enrolled site.

§31-21-8. Underwriting.

The enrollment and acceptance process to participate in the land stewardship program shall be developed to include an underwriting review that focuses on: (1) The nature and extent of contamination; (2) the selected remedy; (3) the type of services selected and duration thereof; and (4) the financial costs and risks associated with fulfilling the services.

PART IV. STATE CERTIFIED SITES PROGRAM.

§31-21-9. State certified sites program.

(a) This article hereby authorizes the establishment of a statewide certified sites program. The program shall consist of the development and preparation of certain site specific decision ready documentation or reports that will enable the expedited property transaction for sites that participate in the certified sites program.

(b) The objectives of the certified sites program include, but are not limited to:

(1) Establishing an inventory of identified sites that are ready for development or redevelopment and construction within twelve months or less from the date of acquisition and certify these properties as “project-ready” for specific industry profiles and other categories of developable properties available that can increase economic development efforts within the state;

(2) Improving the state’s competitive edge by giving more certainty in time, steps and costs to businesses expanding or locating within the state;

(3) Developing standard criteria that most real estate developers or businesses need when selecting a site for development;

(4) Developing a central source of certified sites and assisting local governments in identifying potential redevelopment properties; and

(5) Demonstrating that the state is committed to promoting and expediting economic development projects for the benefit of its citizenry.

(c) The corporation shall issue a site certification if it determines that the decision ready document has been prepared and completed in accordance with the requirements set forth by the corporation. The corporation may require some or all of the following information set forth in section ten of this article based on the site specific circumstances of the property to be certified.

(d) The issuance of a site certification shall be based on the review and approval of the information submitted to the corporation in an application for the site certification.

§31-21-10. Minimum standards for certified sites.

(a) The corporation shall establish minimum standards that a site must meet to be considered for certification. Minimum standards include, but are not limited to:

(1) Letter of support from a mayor, county commissioner, or county, regional, or municipal economic development official;

(2) Site ownership/control:

(A) Preliminary fifty-year title report and description of liens and encumbrances, unless the corporation determines a shorter period is adequate, or a longer period is necessary, to protect the corporation and a subsequent purchaser of the site;

(B) Letter from the property owner/option holder stating that the site is for sale/lease. If possible, proposed pricing or transactional requirements with a description of any on-site improvements, the current level of investment, and whether the property can be parceled;

(C) Acreage; and

(D) Full legal property description.

(3) Maps:

(A) ALTA map;

(B) Site map showing lot layout, transportation access, roads and likely access points;

(C) USGS topographical map; and

(D) Aerial map.

(4) Phase I environmental site assessment performed by a certified professional within the prior six months, and, if appropriate, any additional environmental site assessments performed by a certified professional within the prior six months. For any properties being remediated, documentation shall be provided about the status and cleanup objectives. For remediated sites, documentation shall be provided about liability protection.

(5) Wetland delineation demonstrating that impacts to waters of the state will be avoided or a mitigation plan approved by the DEP.

(6) Water and wastewater infrastructure to the property line with capacity clearly defined, or a demonstration of the ability to construct and pay for the infrastructure up to the property line.

(7) Transportation infrastructure to the property line, including, but not limited to, the type of roads near the site and whether the roads are local, state or U. S. roads.

(8) Electric infrastructure to the property line with its capacity clearly identified.

(9) Natural gas infrastructure to the property line with its capacity clearly identified.

(10) Water infrastructure to the property line with its capacity clearly identified.

(11) Sewer infrastructure to the property line with its capacity clearly identified.

(12) Telecommunications and/or high speed communications infrastructure to the property line with its capacity clearly identified.

(b) The complete list of certified sites criteria shall be developed into a program application along with appropriate fees for participation as the certified sites program is implemented, and may be revised from time to time as warranted.

PART V. LAND BANK PROGRAM.

§31-21-11. Land bank program.

(a) This article hereby authorizes the establishment of a voluntary state land bank program. Under this program, the corporation is authorized to acquire properties, hold title and prepare them for future use. Prior to acquiring any properties, the corporation shall conduct all appropriate inquiries to determine the environmental conditions or issues associated with a particular property. The corporation shall not acquire title to any property unless all pending liens have been satisfied and released. Liabilities, including,

but not limited to, environmental liabilities, shall not pass to the corporation by its acquisition of title. Participation in the land bank program under this article shall not relieve an entity of any of its liabilities.

(b) The objective of the land bank program is to assist state and local government efforts for economic development by accepting formerly used or developable properties and preparing the properties so they can be conveyed to other parties to locate or expand businesses and create or retain jobs in this state.

(c) The corporation may acquire by gift, devise, transfer, exchange, foreclosure, purchase or otherwise on terms and conditions and in a manner the corporation considers proper, real or personal property or rights or interests in real or personal property. The corporation may not accept by any conveyance or other action, any liability for prior pollution or contamination liabilities that occurred on the property prior to its conveyance to the corporation.

(d) Real property acquired by the corporation may be by purchase and sale agreement, lease purchase agreement, installment sales contract, land contract or otherwise as may be negotiated or structured. The corporation may acquire real property or rights or interests in real property for any purpose the corporation considers necessary to carry out the purposes of this article including, but not limited to, one or more of the following purposes:

(1) Use or development of property the corporation has otherwise acquired;

(2) To facilitate the assembly of property for sale or lease to any other public or private person, including, but not limited to, a nonprofit or for profit corporation;

(3) To conduct environmental remediation and monitoring activities.

(e) The corporation may also acquire by purchase, on terms and conditions and in a manner the corporation considers proper, property or rights or interests in property.

(f) The corporation may hold and own in its name any property acquired by it or conveyed to it by this state, a foreclosing governmental unit, a local unit of government, an intergovernmental entity created under the laws of this state or any other public or private person.

(g) All deeds, mortgages, contracts, leases, purchases or other agreements regarding property of the corporation, including agreements to acquire or dispose of real property, shall be approved by the board of directors and executed in the name of the corporation or any single purpose entity created by the board for the transaction.

(h) All property held by the corporation or a single purpose entity created by the board for a transaction shall be inventoried and classified by the corporation according to title status and suitability for use.

(i) A document including, but not limited to, a deed evidencing the transfer under this article of one or more parcels of property to the corporation by this state or a political subdivision of this state may be recorded within the office of the county clerk of the county in which the property is located without the payment of a fee.

(j) The corporation shall notify the county commission and county assessor in the affected county or counties upon receipt of an application for participation in the land bank program.

§31-21-12. Preserve property value.

(a) The corporation may, without the approval of a local unit of government in which property held by the corporation is located, control, hold, manage, maintain, operate, repair, lease as lessor, secure, prevent the waste or deterioration of, demolish and take all other actions necessary to preserve the value of the property held

or owned directly by the corporation or by a single purpose entity created by the board for that purpose.

(b) The corporation may take or perform the following with respect to property held or owned by the corporation or by any special purpose entity created by the board:

(1) Grant or acquire a license, easement, or option with respect to property as the corporation determines is reasonably necessary to achieve the purposes of this article;

(2) Fix, charge, and collect rents, fees and charges for use of property under the direct or indirect control of the corporation or for services provided by the corporation;

(3) Take any action, provide any notice or institute any proceeding required to clear or quiet title to property held by the corporation in order to establish ownership by and vest title to property in the corporation or a special purpose entity created by the board; and

(4) Remediate environmental contamination on any property held by the corporation.

(c) Except as the corporation otherwise agrees by agreement or otherwise, on terms and conditions, and in a manner and for an amount of consideration the corporation considers proper, fair and valuable, including for no monetary consideration, the corporation may convey, sell, transfer, exchange, lease as lessor or otherwise dispose of property or rights or interests in property in which the corporation directly or indirectly holds a legal interest to any public or private person for value determined by the corporation.

(d) The corporation shall be made a party to and shall defend any action or proceeding concerning title claims against property held directly or indirectly by the corporation.

§31-21-13. Contaminated property.

(a) If the DEP determines that conditions on a property transferred to the corporation under this article present an immediate threat to public health, safety and welfare, or to the environment, the corporation may not convey, sell, transfer, exchange, lease or otherwise dispose of the property until after a determination by the DEP that the threat has been remediated and/or eliminated and that conveyance, sale, transfer, exchange, lease or other disposal of the property by the corporation will not interfere with any of the DEP's response activities and will coordinate with the DEP regarding the corporation's activities at the property.

(b) If the corporation has reason to believe that property held by the corporation may be the site of environmental contamination, the corporation shall provide the DEP with any information in the possession of the corporation that suggests that the property may be the site of environmental contamination.

(c) If property held directly or indirectly by the corporation is a site impacted by contamination, pollution, hazardous substances, hazardous or other wastes as defined in the environmental acts described in section four of this article, prior to the sale or transfer of the property under this section, the property is subject to all of the following:

(1) Upon reasonable written notice from the DEP, the corporation shall provide access to the DEP, its employees, its contractors and any other person expressly authorized by the DEP to conduct an investigation and/or response activities at the property. Reasonable written notice may include, but is not limited to, notice by electronic mail or facsimile, in advance of access as the DEP and corporation may agree.

(2) If the DEP determines it is necessary to protect public health, safety and welfare or the environment, the corporation shall place and record deed restrictions on the property as authorized under state environmental statutes.

§31-21-14. Liberal construction.

This article shall be construed liberally to effectuate the legislative intent and the purposes as complete and independent authorization for the performance of every act and thing authorized by this article. All powers granted shall be broadly interpreted to effectuate the intent and purposes of this article and not as a limitation thereof. The corporation has complete control as if it is a private property owner.

§31-21-15. Exemption from taxation.

The property of the corporation shall be exempt from ad valorem property taxation. Property owned and leased by the corporation as lessor to a commercial lessee or an industrial lessee is hereby declared to be tax exempt and held by the corporation for a public purpose. A payment in lieu of taxes, payable by the lessee, shall be established for any property so leased, in an amount not less than the property tax otherwise payable on the property. The lessee's leasehold interest therein is hereby declared to be a tax exempt leasehold interest held for a public purpose so long as the payment in lieu of taxes is timely paid. Payments made to any county commission, county school board or municipality in lieu of tax pursuant to such agreement shall be distributed as if the payments resulted from ad valorem property taxation. The corporation shall be exempt from the taxes imposed by chapter eleven of this code, except that the corporation shall comply with the employer withholding of tax requirements in sections seventy-one through seventy-six, article twenty-one of said chapter eleven. The corporation shall be exempt from sales and use taxes, business and occupation taxes and all other taxes imposed by a county commission, a municipal corporation or other unit of local government, whether now or hereinafter in effect.

§31-21-16. Audits and reports.

(a) As soon as possible after the close of each year, the corporation shall cause an annual audit to be made by an independent certified

public accountant of its books, records, accounts and operations. The person performing this audit shall furnish copies of the audit report to the Governor, the secretary of the DEP and the Joint Committee on Government and Finance of the Legislature.

(b) The corporation shall report biannually to the Joint Committee on Government and Finance of the Legislature on the activities of the corporation. The first report shall be filed on or before the second Wednesday in January, 2016.

§31-21-17. Completed purpose.

If the corporation has completed the purposes for which the corporation was organized, the board of directors, by vote of at least a majority of a quorum of the directors and with the written consent of the Governor, may provide for the dissolution of the corporation and may provide for the transfer of any property held by the corporation as required by agreement or, if there are no related agreements, then to the DEP or another state agency or to another nonprofit corporation as directed by the DEP.

§31-21-18. Conflicts of interest.

Notwithstanding any other provision of this article to the contrary, officers and employees of the corporation and its board of directors may hold appointments to offices of any other corporations or businesses and be corporate directors or officers or employees of other entities but are prohibited to be a party or otherwise participate in the transfer of real property and funds from the corporation to the corporations or businesses for which they serve.

§31-21-19. No waiver of sovereign immunity.

Nothing contained in this article may be determined or construed to waive or abrogate in any way the sovereign immunity of the state or to deprive the nonprofit corporation created pursuant to this

article, its board of directors, or any officer or employee thereof of sovereign immunity.

§31-21-20. No obligation of the state.

Obligations of the corporation are not debts or obligations of the DEP or the state.

The bill (Eng. Com. Sub. for H. B. No. 2590), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2689, Authorizing miscellaneous Boards and Agencies to promulgate legislative rules.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on the Judiciary, were reported by the Clerk, considered simultaneously, and adopted:

On page twenty-four, section three, line nine, after the word “authorized” by striking out the period and inserting the following: “with the following amendments:

On page four, subsection 4.11., after the word ‘licensure.’ by adding the following: The training shall be provided by a Board approved program.;

On page thirteen, subdivision 15.2.g., after the words ‘minimum of three (3) hours of’ by inserting the words ‘Board approved’”;

On page twenty-five, section three, line twenty-nine, after the word “authorized” by striking out the period and adding the following: “with the following amendments:

On page eleven, subsection 7.4., after the words ‘3 hours of’ by inserting the words ‘Board approved’”;

On page thirty-two, section eight, after line twenty-eight, by inserting the following:

“On page four, subsection 3.2, subdivision (l), by striking out the words ‘Student catalogs and’ and inserting in lieu thereof ‘School catalogs’;

On page four, subsection 3.2, subdivision (q), after the word ‘student’ by striking out the words ‘policy book’ and inserting in lieu thereof the word ‘handbook’”;

And,

On page forty-two, section fifteen, after line twenty-six, by inserting the following:

“On page four, subsection 3.3., after the words ‘sociology, psychology, counseling,’ by inserting the words ‘criminal justice,’”.

On motion of Senator Palumbo, the following amendment to the bill (Eng. Com. Sub. for H. B. No. 2689) was next reported by the Clerk and adopted:

On pages nine through twenty-three, section two, by striking out all of subsections (b) and (c).

The bill (Eng. Com. Sub. for H. B. No. 2689), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2716, Relating to the West Virginia Fairness in Competitive Bidding Act.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2717, Requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on Finance, were reported by the Clerk, considered simultaneously, and adopted:

On page two, section fourteen-a, line five, by striking out the words "On a one time basis, each" and inserting in lieu thereof the word "Each";

On page two, section fourteen-a, line ten, by striking out the words "On a one time basis, each" and inserting in lieu thereof the word "Each";

On page two, section fourteen-a, line seventeen, by striking out the words "On a one time basis, each" and inserting in lieu thereof the word "Each";

On page three, section fourteen-a, line twenty-five, by striking out the words "On a one time basis, each" and inserting in lieu thereof the word "Each";

And,

On page three, section fourteen-a, line thirty-one, by striking out the words "On a one time basis, each" and inserting in lieu thereof the word "Each".

The bill (Eng. Com. Sub. for H. B. No. 2717), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2727, Relating to the school aid formula.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Plymale, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the bill was withdrawn.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk and adopted:

On pages three and four, section seven, lines twenty-one through thirty-six, by striking out all of paragraph (F) and inserting in lieu thereof a new paragraph, designated paragraph (F), to read as follows:

(F) For any county for that portion of its school bus system that uses as an alternative fuel such as compressed natural gas or other acceptable alternative fuel, the percentage provided in paragraphs (A) through (D) of this subdivision as applicable for the county plus an additional ten percent: *Provided, That for any county receiving an additional ten percent for that portion of their bus system using bio-diesel as an alternative fuel during the school year 2012-2013, bio-diesel shall continue to qualify as an alternative fuel under this paragraph to the extent that the additional percentage applicable to that portion of the bus system using bio-diesel shall be decreased by two and one-half percent per year for four consecutive school years beginning in school year 2014-2015: Provided, however,* That any county using an alternative fuel and qualifying for the additional allowance under this subdivision shall submit a plan regarding the intended future use of alternatively fueled school buses;.

The bill (Eng. Com. Sub. for H. B. No. 2727), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2730, Relating to the Real Estate Appraisal Board.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2731, Regulating the performance of health maintenance tasks by unlicensed personnel.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on Health and Human Resources, were reported by the Clerk, considered simultaneously, and adopted:

On page eighteen, section eleven, line seven, after the word “code” by inserting the words “as may be necessary to implement the provision of this article”;

And,

On pages eighteen through twenty, by striking out all of section twelve and inserting in lieu thereof a new section, designated section twelve, to read as follows:

§16-50-12. Advisory Committee.

(a) There is established an advisory committee to assist with the development polices and procedures regarding health maintenance care in order to safeguard the well-being and to preserve the dignity of persons who need assistance to live in their communities and avoid institutionalization.

(b) (1) The advisory committee shall consist of seven voting members as follows:

(A) The Olmstead Coordinator within the Department of Health and Human Resources, Office of Inspector General;

(B) One physician with expertise in respiratory medicine to be chosen by the West Virginia Board of Respiratory Care.

(C) The State Health Officer, as defined in section four, article three, chapter thirty of this code;

(D) A representative chosen by the West Virginia Statewide Independent Living Council;

(E) A representative chosen by the West Virginia Developmental Disability Council;

(F) A representative chosen by the West Virginia Board of Respiratory Care; and

(G) A representative chosen by the West Virginia Society for Respiratory Care.

(2) The advisory committee shall also include five non-voting members as follows:

(A) The co-chairs of the Joint Standing Committee on Health, or their designees;

(B) One representative of the West Virginia Board of Examiners for Registered Professional Nurses;

(C) One representative of the West Virginia Nurses Association;

(D) One representative of the Fair Shake Network; and

(E) The Office Director of the Office of Health Facility License and Certification within the Department of Health and Human Resources;

(c) A chairman shall be selected from the voting members of the advisory committee.

(d) The advisory committee shall meet at least four times annually and upon the call of the chairman. A simple majority of the members shall constitute a quorum.

(e) On or before December 31, 2013, the advisory committee shall prepare a report to the Legislative Oversight Commission on Health and Human Resources Accountability. The report shall make recommendations on the need for further legislation, policies or procedures regarding health maintenance tasks.

(f) All members of the committee shall be reimbursed reasonable expenses pursuant to the rules promulgated by the Department of Administration for the reimbursement of expenses of state officials and employees and shall receive no other compensation for their services.

The bill (Eng. Com. Sub. for H. B. No. 2731), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2733, Relating to hearings before the Office of Administrative Hearings.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on the Judiciary, were reported by the Clerk, considered simultaneously, and adopted:

On page twenty-three, section two, line four hundred seventeen, by striking out the words "The court" and inserting in lieu thereof the words "The circuit clerk";

And,

On page twenty-three, section two, line four hundred eighteen, by striking out the word “its” and inserting in lieu thereof the words “the circuit court’s”.

The bill (Eng. Com. Sub. for H. B. No. 2733), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2738, Relating to the Center for Nursing.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Stollings, as chair of the Committee on Health and Human Resources, and by unanimous consent, the unreported Health and Human Resources committee amendment to the bill was withdrawn.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §30-7B-8 of the Code of West Virginia, 1931, as amended, be repealed; that §18C-3-2 and §18C-3-3 of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §18C-3-4; and that §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6, §30-7B-7 and §30-7B-9 of said Code be amended and reenacted, all to read as follows:

**CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS
AND STATE AID.**

**ARTICLE 3. HEALTH PROFESSIONALS STUDENT LOAN
AND SCHOLARSHIP PROGRAMS.**

§18C-3-2. State aid for students of optometry.

(a) ~~The board of trustees is hereby~~ commission is authorized to enter into ~~a contract~~ contracts with an educational institution or institutions outside the state that offer training in optometry, podiatry or veterinary medicine by the terms of which the ~~board of trustees~~ commission may obligate itself to pay the institution, within the limits of any appropriation made for the purpose, a stated amount per year for each West Virginia student the institution will agree to accept for training in optometry, podiatry or veterinary medicine.

(b) ~~The board of trustees~~ Each year the commission shall ~~each year~~ send to any such appropriate institution a certified list of all persons applying to the trustees commission for training in optometry, podiatry or veterinary medicine who are bona fide citizens and residents of this state prior to ~~the filing of~~ their applications, and who have completed either within or without the state the course of study required by the institution as a prerequisite to the study of optometry, podiatry or veterinary medicine.

(c) Upon graduation from an educational institution for study of optometry, podiatry or veterinary medicine, a person who receives state aid under this section is required to meet one of the following conditions:

(1) Practice full-time in this state in the field for which he or she obtained financial aid, one year for each year the student received financial aid under this section; or

(2) Reimburse the commission for the amount received under this section. Repayments, including interest as set by the vice chancellor for administration, collected from program award recipients who fail to practice in West Virginia under the terms of the program award agreement as set forth under this section shall be returned to the commission for use in the financial aid programs.

(d) The commission shall propose a legislative rule in accordance with the provisions of article three-a, chapter twenty-nine-a of this code to implement the provisions of this section. The rule shall address at least the following items:

- (1) Eligibility and selection criteria;
- (2) Reimbursement and repayment;
- (3) Forgiveness options for death or disability;
- (4) Terms of an agreement to which the student must agree; and
- (5) An appeal process.

(e) If considered necessary by the commission, the provisions of this section may be extended by legislative rule to other professional degrees which are not provided in the state, but which are needed to enhance the state's economy.

§18C-3-3. Health sciences service program; establishment; administration; eligibility.

(a) *Legislative findings.* – The Legislature finds that there is a critical need for additional practicing health care professionals in West Virginia. Therefore, there is hereby created a health sciences scholarship service program to be administered by the vice chancellor for health sciences. The purpose of this program is to provide an incentive for health professional students to complete their training and provide primary care in underserved areas of West Virginia.

(b) *Establishment of special account.* – There is hereby established continued a special revolving fund account under the higher education policy commission in the State Treasury ~~to be formerly~~ known as the “Health Sciences Scholarship Fund” ~~that shall be used~~ and hereafter designated the “Health Sciences Service Program Fund” to carry out the purposes of this section. The fund ~~shall consist~~ consists of one or more of the following:

(1) All unexpended health sciences scholarship funds on deposit in the State Treasury on the effective date of this section;

(2) ~~appropriations~~ Appropriations as may be provided by the Legislature;

(3) ~~repayments~~ Repayments, including interest as set by the vice chancellor for health sciences, collected from scholarship program award recipients who fail to practice or teach in West Virginia under the terms of the scholarship program award agreement as set forth under this section or the health sciences scholarship program previously established by this section; or

(4) ~~amounts~~ Amounts that may become available from other sources.

Balances remaining in the fund at the end of the fiscal year shall not expire or revert to the general revenue. All costs associated with the administration of this section shall be paid from the Health Sciences Scholarship Service Program Fund under the direction of the vice chancellor for health sciences.

(c) *Eligibility requirements.* –

(1) An individual is eligible for consideration for a health sciences scholarship service program award if the individual under the following conditions:

(1) ~~Either~~:

(A) (1) ~~Is~~ The applicant is a fourth-year medical student at the Marshall University School of Medicine, West Virginia School of Osteopathic Medicine or West Virginia University School of Medicine who has been accepted in a primary care internship/residency program in West Virginia; or

(B) (2) ~~The applicant~~ is enrolled or accepted for enrollment in an approved education program at a West Virginia institution leading

to a degree or certification in the field of nurse practitioner, nurse midwife, physician assistant, physical therapist, doctoral clinical psychologist, licensed independent clinical social worker, or other disciplines identified as shortage fields by the vice chancellor for health sciences; and

~~(2)~~ (3) The applicant signs an agreement to practice for at least two years in an underserved area of West Virginia. as determined by the bureau for public health. An individual also is eligible for consideration for a health sciences scholarship service program award if the individual is pursuing a master's degree in nursing and signs an agreement to teach at least two years for a school of nursing located in West Virginia, as may be determined by the vice chancellor for health sciences, after receiving her or his master's degree. Awarding When making awards, preference will be given to West Virginia residents.

(d) Scholarship Program awards. – Scholarships Program awards shall be in ~~the~~ an amount of set by the Higher Education Policy Commission of at least \$20,000 for medical students and at least \$10,000 for all others and may be awarded by the vice chancellor for health sciences, with the advice of an advisory panel, from the pool of all applicants with a commitment to practice in an underserved area of West Virginia. as determined by the bureau for public health. Nothing herein ~~shall be construed as granting or guaranteeing any grants or guarantees an~~ applicant any right to such a scholarship program award.

(e) Repayment provisions. – A scholarship program award recipient who fails to practice in an underserved area of West Virginia within six months of the completion of his or her training, who fails to complete his or her training or who fails to complete the required teaching is in breach of contract and is liable for repayment of the total scholarship amount received plus interest program award and any accrued interest. The granting or renewal of a license to practice in West Virginia or to reciprocal licensure in another state based upon licensure in West Virginia shall be

contingent upon beginning payment and continuing payment until ~~complete~~ repayment of the ~~total scholarship amount~~ if the recipient fails to practice in an underserved area program award and any accrued interest is complete. No license, renewal or reciprocity shall be granted to persons whose repayments are in arrears. The appropriate regulatory board shall inform all other states where a recipient has reciprocated based upon West Virginia licensure of any refusal to renew licensure in West Virginia as a result of failure to repay the ~~scholarship amount~~ program award. This provision shall be explained in bold type in the ~~scholarship program award~~ contract. Repayment terms, not inconsistent with this section, shall be established by the vice chancellor for health sciences pursuant to rules as required under subsection (f) of this section.

(f) *Promulgation of rules.* – The ~~Higher Education Policy Commission~~ shall ~~promulgate~~ propose rules pursuant to article three-a, chapter twenty-nine-a of this code necessary for the implementation and administration of this section.

(g) *Definitions.* – For purposes of the repayment provisions of this section: ~~the term “training”~~

(1) “Training” means the entire degree program or certification program for nurse midwives, nurse practitioners, physician assistants, physical therapists, doctoral clinical psychologists, licensed independent clinical social workers, and other disciplines identified as shortage ~~field~~ fields by the vice chancellor. The term also means the completion of a degree program and includes completion of an approved residency/internship program for students pursuing a degree in medicine or a degree in osteopathy.

(2) “Underserved area” means any primary care health professional shortage area located in the state as determined by the Bureau for Public Health or any additional health professional shortage area determined by the vice chancellor for health sciences.

§18C-3-4. Nursing financial aid program; funding; administration; student awards; service requirements.

(a) There is continued in the State Treasury a special revenue account known as the “Center for Nursing Fund” to be administered by the commission for the purposes of this section. Balances remaining in the fund at the end of the fiscal year shall not expire or revert to the general revenue. All costs associated with the administration of this section shall be paid from the Center for Nursing Fund under the direction of the Vice Chancellor for Administration. Administrative costs are to be minimized and the maximum amount feasible is to be used to fund awards for students in nursing programs.

(b) The account is funded from the following sources:

(1) A supplemental licensure fee not to exceed \$10 per year to be paid by all nurses licensed by the Board of Examiners for Registered Professional Nurses, pursuant to section eight-a, article seven, chapter thirty of this code, and the Board of Examiners for Licensed Practical Nurses, pursuant to section seven-a, article seven-a, chapter thirty of this code;

(2) Repayments, including interest as set by the vice chancellor for administration, collected from program award recipients who fail to practice or teach in West Virginia under the terms of the program award agreement as set forth under this section; and

(3) Other public and private funds.

(c) In consultation with the board of directors of the West Virginia Center for Nursing, established pursuant to article seven-b, chapter thirty of this code, the commission shall administer a financial aid program designed to benefit nurses who practice in hospitals and other health care institutions or teach in state nursing programs.

Awards shall be made as follows, subject to the terms of the rule provided for in this section:

(A) An award of at least \$5000 to a student who has completed half of an approved nursing program in the state. The student shall be required to practice in West Virginia for at least one year;

(B) An award of at least \$10,000 for a student in an approved RN nursing program located in West Virginia. A recipient shall be required to teach or practice in West Virginia for at least two years.

(C) An award of at least \$15,000 to a doctoral student in an approved nursing program located in West Virginia who shall be required to teach in the state for at least two years.

(d) A student who has received financial aid under the provisions of this section shall meet one of the following conditions:

(1) Fulfill the service requirements provided in this section and in any rules pertaining to this program which are duly promulgated by the commission; or

(2) Reimburse the commission for the amount received under this section together with accrued interest as provided by the student agreement.

(e) The commission shall propose legislative rules in accordance with the provisions of article three-a, chapter twenty-nine-a of this code to implement the provisions of this section. The rules shall address at least the following issues:

(1) Eligibility and selection criteria for participation in the financial aid program;

(2) Terms of a student agreement which the student must execute as a condition of receiving financial aid;

(3) Reimbursement and repayment by students who receive financial aid but fail to fulfill the post-graduation practice requirements;

(4) Forgiveness options for death or disability of a student who received financial aid under this section; and

(5) An appeal process for students who were denied participation or who have been ordered to pay reimbursement and interest for failure to meet the conditions of receiving financial aid.

(f) The commission shall report by the first of December annually to the Legislative Oversight Commission on Health and Human Resources Accountability and the Legislative Oversight Commission on Education Accountability on the number of students who have received awards and on all other matters relevant to the provisions of this section.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 7B. CENTER FOR NURSING.

§30-7B-2. Definitions.

As used in this article, the following words have the meanings ascribed to them unless the context clearly indicates a different meaning:

(a) "Annual turnover rate" means the number of nurses who leave an organization in a year divided by the average number of nurses employed in that year;

(b) "Board" means the Board of Directors for the West Virginia Center for Nursing.

(c) "Center" means the West Virginia Center for Nursing.

(d) “Direct patient care” means health care that provides for the physical, emotional, diagnostic or rehabilitative needs of a patient, or health care that involves examination, treatment or preparation for diagnostic tests or procedures.

(e) “Hard to fill vacancy” means recruitment difficulties experienced which include, but are not limited to, lack of applicants, applicants who lack the proper qualifications, competition and undesirable hours.

(f) “Vacancy rate” means the number of vacant budgeted nursing positions divided by the total number of budgeted nursing positions at a point in time.

§30-7B-3. West Virginia Center for Nursing.

(a) The West Virginia Center for Nursing is continued to address the issues of recruitment and retention of nurses in West Virginia.

(b) The Higher Education Policy Commission shall provide suitable office space for the center and shall provide staff support as necessary. The commission also shall share statistics and other pertinent information with the center and shall work cooperatively to assist it to achieve its objectives.

§30-7B-4. Center’s powers and duties.

The center has the following responsibilities:

(a) Establish a statewide strategic plan to address the nursing shortage in West Virginia;

(b) Establish and maintain a database of statistical information regarding nursing supply, demand and turnover rates in West Virginia and projections regarding future needs:

(1) The center shall collect data from employers annually and shall collaborate with employers and other state agencies to develop the best method for data collection.

(2) The data shall include vacancy rates, annual turnover rate and statistics regarding hard to fill vacancies for all levels of nurses.

(3) Employers of nurses who are surveyed shall provide data by the deadline established by the center;

(4) The center shall report data in aggregate form by workforce region and shall use the data to plan strategically for recruitment and retention initiatives by region.

(5) Data received under this section that contains information identifying specific patients or health care facilities is confidential, is not subject to disclosure and may not be released unless all identifying information is removed.

(c) Establish and maintain a website to disseminate information about the center, its mission, educational opportunities and financial aid available in West Virginia;

(d) Evaluate capacity for expansion of nursing programs, including the availability of faculty, clinical laboratories, computers and software, library holdings and supplies; and

(e) The center has the authority to perform other activities necessary or expedient to accomplish the purposes and implement the provisions of this article.

§30-7B-5. Board of directors.

(a) The center is governed by a board consisting of the following members:

(1) Two representatives from the West Virginia Board of Examiners for Registered Professional Nurses, as follows:

(A) One representing a bachelor and higher degree program; and

(B) One representing an associate degree program;

(2) One representative from the West Virginia Board of Examiners for Licensed Practical Nurses;

(3) One representative from the West Virginia Nurses Association;

(4) One nurse representing a rural health care facility;

(5) One director of nursing;

(6) One health care administrator;

(7) One registered professional staff nurse engaged in direct patient care;

(8) One licensed practical nurse engaged in direct patient care;

(9) Two lay citizen members as required by section four-a, article one, chapter thirty of this code;

(10) Two ex officio, non-voting members, as follows:

(A) The Secretary of the Department of Health and Human Resources or his or her designee; and

(B) A representative from the Workforce Development Office.

(b) After the initial terms expire, terms are four years and no member may serve more than two consecutive terms.

(c) The board shall elect annually from its voting members a president and a secretary as required by section three, article one, chapter thirty of this code. A majority of the appointed members constitutes a quorum.

(d) In the case of a vacancy, the Governor has thirty days to fill the vacancy or the Board of Examiners for Registered Professional Nurses shall appoint a member to serve on the board.

(e) The members of the board who are in office on the effective date of this section, unless sooner removed, shall continue to serve until their respective terms expire and until their successors have been appointed and qualified.

(f) Each member of the board is entitled to receive reimbursement for expenses in accordance with article one, chapter thirty of this code and section seven of this article.

§30-7B-6. Powers and duties of the board of directors.

(a) The board has the following powers and duties:

(1) Determine policy for the operation of the center to accomplish the purposes of this article; and

(2) Advise the Higher Education Policy Commission on matters pertaining to the administration of the nursing financial aid program established pursuant to section four, article three, chapter eighteen-c of this code.

(b) The board shall rely upon the staff of the Higher Education Policy Commission to provide administrative and professional support as needed.

§30-7B-7. Reimbursement for expenses.

(a) Members of the board shall serve without compensation, but may be reimbursed for actual and necessary expenses incurred

for each day or portion thereof in which they are engaged in the discharge of official duties. Reimbursements are made in a manner consistent with guidelines of the travel management office of the Department of Administration.

(b) The Higher Education Policy Commission shall provide for members' reimbursement from the funds accrued in the Center for Nursing Fund revenue account.

§30-7B-9. Reports.

The center shall report by December 1 of each year to the Legislative Oversight Commission on Health and Human Resources Accountability and the Legislative Oversight Commission on Education Accountability on its progress in developing a statewide strategic plan to address the nursing shortage in West Virginia and on any other issues the board considers relevant to the practice of nursing in this state. Additionally, the board shall provide drafts of legislation needed to implement recommendations of the center's strategic plan.

The bill (Eng. Com. Sub. for H. B. No. 2738), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2747, Relating to Open Governmental Proceedings.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §6-9A-2 and §6-9A-3 of the Code of the West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 9A. OPEN GOVERNMENTAL PROCEEDINGS.

§6-9A-2. Definitions.

As used in this article:

(1) “Decision” means any determination, action, vote or final disposition of a motion, proposal, resolution, order, ordinance or measure on which a vote of the governing body is required at any meeting at which a quorum is present.

(2) “Emergency meeting” means any meeting called by a governing body for the purpose of addressing an unexpected event which requires immediate attention because it poses:

(A) An imminent threat to public health or safety;

(B) An imminent threat of damage to public or private property;
or

(C) An imminent material financial loss or other imminent substantial harm to a public agency, its employees or the members of the public which it serves.

(2) (3) “Executive session” means any meeting or part of a meeting of a governing body which is closed to the public.

(3)(4) “Governing body” means the members of any public agency having the authority to make decisions for or recommendations to a public agency on policy or administration, the membership of a governing body consists of two or more members; for the purposes of this article, a governing body of the Legislature is any standing, select or special committee, except the commission on special investigations, as determined by the rules of the respective houses of the Legislature.

(4) (5) “Meeting” means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter which results in an official action. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:

(A) Any meeting for the purpose of making an adjudicatory decision in any quasi-judicial, administrative or Court of Claims proceeding;

(B) Any on-site inspection of any project or program;

(C) Any political party caucus;

(D) General discussions among members of a governing body on issues of interest to the public when held in a planned or unplanned social, educational, training, informal, ceremonial or similar setting, without intent to conduct public business even if a quorum is present and public business is discussed but there is no intention for the discussion to lead to an official action; or

(E) Discussions by members of a governing body on logistical and procedural methods to schedule and regulate a meeting.

(5) (6) “Official action” means action which is taken by virtue of power granted by law, ordinance, policy, rule, or by virtue of the office held.

(6) (7) “Public agency” means any administrative or legislative unit of state, county or municipal government, including any department, division, bureau, office, commission, authority, board, public corporation, section, committee, subcommittee or any other agency or subunit of the foregoing, authorized by law to exercise some portion of executive or legislative power. The term “public agency” does not include courts created by article eight of the West Virginia Constitution or the system of family law masters created by article four, chapter forty-eight-a of this code.

(7) (8) “Quorum” means the gathering of a simple majority of the constituent membership of a governing body, unless applicable law provides for varying the required ratio.

(9) “Regular meeting” means a meeting of a governing body at which the regular business of the public is conducted.

(10) “Special meeting” means a meeting of a governing body other than a regular meeting or an emergency meeting.

§6-9A-3. Proceedings to be open; public notice of meetings.

(a) Except as expressly and specifically otherwise provided by law, whether heretofore or hereinafter enacted, and except as provided in section four of this article, all meetings of any governing body shall be open to the public.

(b) Any governing body may make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend.

(c) This article does not prohibit the removal from a meeting of any member of the public who is disrupting the meeting to the extent that orderly conduct of the meeting is compromised: *Provided*, That persons who desire to address the governing body may not be required to register to address the body more than fifteen minutes prior to time the scheduled meeting is to commence.

(d) Each governing body shall promulgate rules by which the date, time, place and agenda of all regularly scheduled meetings and the date, time, place and purpose of all special meetings are made available, in advance, to the public and news media. ~~except in the event of an emergency requiring immediate official action.~~

(e) Each governing body of the executive branch of the state shall electronically file a notice of any each meeting with the Secretary of State for publication in the state register on the Secretary of State’s website.

(1) Each notice shall state the date, time, place and purpose of the meeting.

(2) Each notice of a special meeting or a regular meeting shall be filed in a manner to allow each notice to appear in the state register on the Secretary of State's website at least five business days prior to the date of the meeting.

(3) When calculating the days, the day of the meeting is not to be counted. If a meeting notice is filed anytime other than during the Secretary of State's regular business hours, the date of filing will be considered the next business day.

(f) The Secretary of State shall retain copies of all notices filed for ten years.

(g) The Secretary of State may promulgate procedural rules governing the electronic filing of meeting notices.

(h) In the event of an emergency requiring immediate official action, any governing body of the executive branch of the state may file an emergency meeting notice at any time prior to the meeting. a governing body may call an emergency meeting.

(1) The governing body of a state executive branch agency shall electronically file a notice for an emergency meeting with the Secretary of State, as soon as practicable prior to the meeting. Any other governing body shall notice an emergency meeting in a manner which is consistent with this article and the Ethics Commission Committee on Open Governmental Meeting's opinions issued pursuant to the authority of section ten of this article, as soon as practicable prior to the meeting.

(2) The emergency meeting notice shall state the date, time, place and purpose of the meeting and the facts and circumstances of the emergency.

(i) Upon petition by any adversely affected party any court of competent jurisdiction may invalidate any action taken at any meeting for which notice did not comply with the requirements of this section.

The bill (Eng. Com. Sub. for H. B. No. 2747), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2754, Relating to further defining a retailer engaging in business in this state for purposes of sales and use taxes.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2764, Relating to compulsory school attendance.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill No. 2770, Permitting dealers who sell fewer than eighteen new or used motor vehicles during a year to have their dealer licenses renewed.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill No. 2780, Relating generally to multidisciplinary team meetings for juveniles committed to the custody of the West Virginia Division of Juvenile Services.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 5D. MULTIDISCIPLINARY TEAMS.

§49-5D-3. Multidisciplinary treatment planning process.

(a) (1) A multidisciplinary treatment planning process for cases initiated pursuant to articles five and six of this chapter shall be established within each county of the state, either separately or in conjunction with a contiguous county, by the secretary of the department with advice and assistance from the prosecutor's advisory council as set forth in section four, article four, chapter seven of this code. The Division of Juvenile Services shall establish a similar treatment planning process for delinquency cases in which the juvenile has been committed to its custody, including those cases in which the juvenile has been committed for examination and diagnosis.

(2) The provisions of this section do not require a multidisciplinary team meeting to be held prior to temporarily placing a child or juvenile out-of-home under exigent circumstances or upon a court order placing a juvenile in a facility operated by the Division of Juvenile Services.

(b) The case manager in the Department of Health and Human Resources for the child, family or juvenile or the case manager in the Division of Juvenile Services for a juvenile shall convene a treatment team in each case when it is required pursuant to this article.

Prior to disposition, in each case in which a treatment planning team has been convened, the team shall advise the court as to the types of services the team has determined are needed and the type of placement, if any, which will best serve the needs of the child. If the team determines that an out-of-home placement will best serve the needs of the child, the team shall first consider

placement with appropriate relatives then with foster care homes, facilities or programs located within the state. The team may only recommend placement in an out-of-state facility if it concludes, after considering the best interests and overall needs of the child, that there are no available and suitable in-state facilities which can satisfactorily meet the specific needs of the child.

Any person authorized by the provisions of this chapter to convene a multidisciplinary team meeting may seek and receive an order of the circuit court setting such meeting and directing attendance. Members of the multidisciplinary team may participate in team meetings by telephone or video conferencing: *Provided*, That the provisions of this subsection do not prevent the respective agencies from designating a person other than the case manager as a facilitator for treatment team meetings: *Provided however*, That written notice shall be provided to all team members of the availability to participate by videoconferencing.

(c) The treatment team shall coordinate its activities and membership with local family resource networks and coordinate with other local and regional child and family service planning committees to assure the efficient planning and delivery of child and family services on a local and regional level.

(d) The multidisciplinary treatment team shall be afforded access to information in the possession of the Department of Health and Human Services Resources, Division of Juvenile Services, law-enforcement agencies and other state, county and local agencies; and the agencies shall cooperate in the sharing of information, as may be provided in sections three(d) and six, article five-d and section one, article seven, all of chapter forty-nine, and any other relevant provision of law. Any multidisciplinary team member who acquires confidential information shall not disclose such information except as permitted by the provisions of this code or court rules.

§49-5D-3c. Multidisciplinary treatment process for status offenders or delinquents.

(a) (1) When a juvenile is adjudicated as a status offender pursuant to section eleven-d, article five of this chapter, the Department of Health and Human Resources shall promptly convene a multidisciplinary treatment team and conduct an assessment, utilizing a standard uniform comprehensive assessment instrument or protocol, to determine the juvenile's mental and physical condition, maturity and education level, home and family environment, rehabilitative needs and recommended service plan, which shall be provided in writing to the court and team members. Upon completion of the assessment, the treatment team shall prepare and implement a comprehensive, individualized service plan for the juvenile.

(2) When a juvenile is adjudicated as a delinquent or has been granted an improvement period pursuant to section nine, article five of this chapter, the court, either upon its own motion or motion of a party, may require the Department of Health and Human Resources to convene a multidisciplinary treatment team and conduct an assessment, utilizing a standard uniform comprehensive assessment instrument or protocol, to determine the juvenile's mental and physical condition, maturity and education level, home and family environment, rehabilitative needs and recommended service plan, which shall be provided in writing to the court and team members. A referral to the Department of Health and Human Resources to convene a multidisciplinary treatment team and to conduct such an assessment shall be made when the court is considering placing the juvenile in the department's custody or placing the juvenile out-of-home at the department's expense pursuant to section thirteen, article five of this chapter. In any delinquency proceeding in which the court requires the Department of Health and Human Resources to convene a multidisciplinary treatment team, the probation officer shall notify the department at least fifteen working days before the court proceeding in order to allow the department sufficient time to convene and develop an individualized service plan for the juvenile.

(3) When a juvenile has been adjudicated and committed to the custody of the Director of the Division of Juvenile Services, including those cases in which the juvenile has been committed for examination and diagnosis, the Division of Juvenile Services shall promptly convene a multidisciplinary treatment team and conduct an assessment, utilizing a standard uniform comprehensive assessment instrument or protocol, to determine the juvenile's mental and physical condition, maturity and education level, home and family environment, rehabilitative needs and recommended service plan. Upon completion of the assessment, the treatment team shall prepare and implement a comprehensive, individualized service plan for the juvenile, which shall be provided in writing to the court and team members. In cases where the juvenile is committed as a post-sentence disposition to the custody of the Division of Juvenile Services, the plan shall be reviewed quarterly by the multidisciplinary treatment team. Where a juvenile has been detained in a facility operated by the Division of Juvenile Services without an active service plan for more than sixty days, the director of the facility may call a multidisciplinary team meeting to review the case and discuss the status of the service plan.

(4) (A) The rules of juvenile procedure shall govern the procedure for obtaining an assessment of a juvenile, preparing an individualized service plan and submitting the plan and assessment to the court.

(B) In juvenile proceedings conducted pursuant to article five of this chapter, the treatment team shall consist of the juvenile, the juvenile's case manager in the Department of Health and Human Resources or the Division of Juvenile Services, the juvenile's parent or parents, guardian or guardians or custodial relatives, the juvenile's attorney, any attorney representing a member of the treatment team, the prosecuting attorney or his or her designee, an appropriate school official and any other person or agency representative who may assist in providing recommendations for the particular needs of the juvenile and family, including domestic violence service providers. In delinquency proceedings, the

probation officer shall be a member of a treatment team. When appropriate, the juvenile case manager in the Department of Health and Human Resources and the Division of Juvenile Services shall cooperate in conducting multidisciplinary treatment team meetings when it is in the juvenile's best interest.

(C) Prior to disposition, in each case in which a treatment planning team has been convened, the team shall advise the court as to the types of services the team has determined are needed and type of placement, if any, which will best serve the needs of the child. If the team determines that an out-of-home placement will best serve the needs of the child, the team shall first consider placement at facilities or programs located within the state. The team may only recommend placement in an out-of-state facility if it concludes, after considering the best interests and overall needs of the child, that there are no available and suitable in-state facilities which can satisfactorily meet the specific needs of the child.

(D) The multidisciplinary treatment team shall submit written reports to the court as required by applicable law or by the court, shall meet with the court at least every three months, as long as the juvenile remains in the legal or physical custody of the state, and shall be available for status conferences and hearings as required by the court.

(E) In any case in which a juvenile has been placed out of his or her home except for a temporary placement in a shelter or detention center, the multidisciplinary treatment team shall cooperate with the state agency in whose custody the juvenile is placed to develop an after-care plan. The rules of juvenile procedure and section twenty, article five, chapter forty-nine of the code shall govern the development of an after-care plan for a juvenile, the submission of the plan to the court and any objection to the after-care plan.

(F) If a juvenile respondent admits the underlying allegations of the case initiated pursuant to article five, chapter forty-nine of this code in the multidisciplinary treatment planning process, his or her

statements shall not be used in any juvenile or criminal proceedings against the juvenile, except for perjury or false swearing.

The bill (Eng. H. B. No. 2780), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2805, Making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill No. 2814, Relating to human trafficking.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-17. Human trafficking; criminal penalties.

(a) As used in this section:

(1) "Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of the debtor's personal services or those of a person under the debtor's control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

(2) “Forced labor or services” means labor or services that are performed or provided by another person and are obtained or maintained through a person’s:

(A) Threat, either implicit or explicit, deception or fraud, scheme, plan, or pattern, or other action intended to cause a person to believe that, if the person did not perform or provide the labor or services that person or another person would suffer serious bodily harm or physical restraint: *Provided*, That, this does not include work or services provided by a minor to the minor’s parent or legal guardian so long as the legal guardianship or custody of the minor was not obtained for the purpose compelling the minor to participate in commercial sex acts or sexually explicit performance, or perform forced labor or services.

(B) Physically restraining or threatening to physically restrain a person;

(C) Abuse or threatened abuse of the legal process; or

(D) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person.

“Forced labor or services” does not mean labor or services required to be performed by a person in compliance with a court order or as a required condition of probation, parole, or imprisonment.

(3) “Human trafficking” means the labor trafficking or sex trafficking involving adults or minors where two or more persons are trafficked within any one year period.

(4) “Labor trafficking” means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining

or receipt of a person by any means, whether a United States citizen or foreign national, for the purpose of:

(A) Debt bondage or forced labor or services; or

(B) Slavery or practices similar to slavery.

(5) “Sex trafficking of minors” means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining or receipt of a person under the age of eighteen by any means, whether a United States citizen or foreign national, for the purpose of causing the minor to engage in sexual acts, or in sexual conduct violating the provisions of subsection (b), section five, article eight of this chapter or article eight-c of this chapter.

(6) “Sex trafficking of adults” means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining, receipt of a person eighteen years of age or older, whether a United States citizen or foreign national for the purposes of engaging in violations of subsection (b), section five, article eight of this chapter by means of force, threat, or coercion, deception, abuse or threatened abuse of the legal process, or any scheme, plan, pattern, or other action intended to cause a person to believe that, if the person did not engage in a violation of subsection (b), section five, article eight of this chapter, that person or another person would suffer serious bodily harm or physical restraint.

(b) Any person who knowingly and wilfully engages in human trafficking is guilty of a felony and upon conviction shall be incarcerated in a state correctional facility for an indeterminate sentence of not less than three nor more than fifteen years or fined not more than \$200,000, or both.

(c) Any person who is a victim of human trafficking may bring a civil action in circuit court. The court may award actual damages, compensatory damages, punitive damages, injunctive relief and any other appropriate relief. A prevailing plaintiff is also entitled

to attorneys fees and costs. Treble damages shall be awarded on proof of actual damages where defendant's acts were willful and malicious.

(d) Notwithstanding the definition of victim in subsection (k), section three, article two-a, chapter fourteen of this code, a person who is a victim of human trafficking is a victim for all purposes of article two-a, chapter fourteen of this code.

(e) This article and the rights and remedies provided in this article are cumulative and in addition to other existing rights.

(f) Notwithstanding the age and criminal history limitations set forth in section twenty-six, article eleven of this chapter, any person convicted of prostitution in violation of subsection (b), section five, article eight of this chapter where the conviction was a result of the person being a victim of human trafficking as defined in this section, may petition the circuit court of the county of conviction for an order of expungement pursuant to section twenty-six, article eleven of this chapter.

The bill (Eng. H. B. No. 2814), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2825, Relating to certain appointive state officers salaries.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk and adopted:

On page three, section two-a, line twenty-nine, by striking out the words "*Provided*, That the next person appointed to this position following the reenactment of this section in 2013 shall be paid an annual salary not to exceed \$175,000 at the discretion of

the governor as provided in the budget” and inserting in lieu thereof the words “*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”.

The bill (Eng. Com. Sub. for H. B. No. 2825), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2836, Allowing certain Commission on Special Investigations personnel the right to carry firearms.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2837, Amending various provisions of the Code affecting the Treasurer’s Office.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §12-1-12c of the Code of West Virginia, 1931, as amended, be repealed; that §12-6B-1, §12-6B-2, §12-6B-3 and §12-6B-4 of said code be repealed; that §48-2-604 of said code be repealed; that §5-10B-13 of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §5-10B-14; that §12-1-3, §12-1-8 and §12-1-11 of said code be amended and reenacted; that §12-2-2 and §12-2-3 of said code be amended and reenacted; that §12-3A-3 of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §12-4-17; that §12-5-4 of said code be amended

and reenacted; that §12-6A-1, §12-6A-2, §12-6A-3, §12-6A-4 and §12-6A-5, §12-6A-6 and §12-6A-7 of said code be amended and reenacted; that §12-6C-7 and §12-6C-9 of said code be amended and reenacted; that §33-3-14d of said code be amended and reenacted; and that §36-8-13 of said code be amended and reenacted, all to read as follows:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY
OF THE GOVERNOR, SECRETARY OF STATE AND
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS,
MISCELLANEOUS AGENCIES, COMMISSIONS,
OFFICES, PROGRAMS, ETC.**

**ARTICLE 10B. GOVERNMENT EMPLOYEES DEFERRED
COMPENSATION PLANS.**

**§5-10B-13. Moneys not subject to legal process; qualified
domestic relations orders.**

No account, benefit or right, created pursuant to this article, accrued or accruing, is subject to execution, garnishment, attachment, sale to satisfy a judgment or order, the operation of bankruptcy or insolvency laws, or other process of law and shall be unassignable, except that accounts, benefits and contributions under the plan are subject to “qualified domestic relations orders” as that term is defined in Internal Revenue Code §414(p).

§5-10B-14. Roth accounts.

The Treasurer or any public employer may authorize Roth accounts within the plan in accordance with the Internal Revenue Code, including, without limitation, conversions, deferrals, rollovers and transfers.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 1. STATE DEPOSITORIES.

§12-1-3. Depositories for interest earning deposits; qualifications.

Any state or national bank or any state or federal savings and loan association in this state shall, upon request made to the State Treasurer, be designated as an eligible depository for interest earning deposits of state funds if such bank or state or federal savings and loan association meets the requirements set forth in this chapter. For purposes of this article, the term “interest earning deposits” includes certificates of deposit or other financial institution products. The State Treasurer shall make and apportion such interest earning deposits and shall prescribe the interest rates, terms and conditions of such deposits, all in accordance with the provisions of ~~article six~~ articles six and six-c of this chapter: *Provided*, That state or federal savings and loan associations insured by an agency of the federal government shall be eligible for such deposits not in excess of ~~one hundred thousand dollars~~ the amount insured by any agency of the federal government.: *Provided, however*, That notwithstanding any provision of this article to the contrary, no such interest earning deposits may be deposited in any depository which has been in existence over a period of five years which does not have a loan to deposit ratio of fifty percent or more and which does not have farm, single or multifamily residential unit loans in an amount greater than twenty-five percent of the amount of loans representing a loan-to-deposit ratio of fifty percent. For the purpose of making the foregoing calculation, the balances due the depository on the following loans shall be given effect: (1) Qualifying residential loans held by the depository; (2) qualifying loans made in participation with other financial institutions; (3) qualifying loans made in participation with agencies of the state, federal or local governments; and (4) qualifying loans originated and serviced by the depository but owned by an out-of-state investor. The computation of the criteria for eligibility specified above shall be based on the average daily balances of deposits, the average daily balances of total loans and qualifying residential loans for the period being reported.

§12-1-8. Conflict of interest.

An employee or a person applying for a position with the office of the Treasurer shall disclose to the Treasurer if he or she, or his or her spouse, is an officer, director or employee of a depository or owns greater than two percent of a depository. Any employee of the office of the Treasurer who, or whose spouse, is an officer, director or employee of a depository or owns greater than two percent of a depository may not participate in any selection of or in any contract negotiations with any depository.

§12-1-11. Reports by depositories to Treasurer; discontinuance of depositories.

(a) Each depository of state funds shall at the end of each quarter cause its president or ~~cashier~~ designated officer to report to the Treasurer the amount of state funds on deposit and the report shall be verified by the affidavit of the officer making it. The form and contents of the report shall be prescribed by the Treasurer and may be in an electronic format.

(b) For the failure to file the report, or for other good cause, the Treasurer may discontinue any depository as an eligible depository and cause all state funds to be withdrawn from any depository or depositories ~~so~~ discontinued.

(c) When a depository is discontinued, the Treasurer shall immediately notify such depository of its discontinuance, and shall immediately withdraw by current checks or by transfer to another depository or depositories the full amount of the deposits held by any depository ~~so~~ discontinued. After discontinuance, it shall be unlawful for the Treasurer to deposit any state funds in any depository ~~so~~ discontinued until such time as the depository may be reinstated to eligibility.

ARTICLE 2. PAYMENT AND DEPOSIT OF TAXES AND OTHER AMOUNTS DUE THE STATE OR ANY POLITICAL SUBDIVISION.

§12-2-2. Itemized record of moneys received for deposit; regulations governing deposits; credit to state fund; exceptions.

(a) All officials and employees of the state authorized by statute to accept moneys due on behalf of the State of West Virginia shall keep a daily itemized record of moneys received for deposit in the State Treasury and shall deposit within ~~twenty-four hours~~ one business day with the State Treasurer all moneys received or collected by them for or on behalf of the state for any purpose whatsoever. The State Treasurer may grant an exception to the one business day rule when circumstances make compliance difficult or expensive. The State Treasurer may review the procedures and methods used by officials and employees authorized to accept moneys due the state and change the procedures and methods if he or she determines it is in the best interest of the state: *Provided*, That the state Treasurer may not review or amend the procedures by which the Department of Revenue accepts moneys due the state. The State Treasurer shall propose rules for legislative approval, in accordance with the provisions of article three, chapter twenty-nine-a of this code governing the procedure for deposits. The official or employee making deposits with the state Treasurer shall prepare deposit lists in the manner and upon report forms prescribed by the state Treasurer in the state accounting system. The State Treasurer shall review the deposits in the state accounting system and forward the information to the State Auditor and to the Secretary of Revenue.

(b) All moneys received by the state from appropriations made by the Congress of the United States shall be recorded in special fund accounts, in the State Treasury apart from the general revenues of the state, and shall be expended in accordance with the provisions of article eleven, chapter four of this code. All moneys, other than federal funds, defined in section two, article eleven, chapter four of this code, shall be credited to the state fund and treated by the State Auditor and State Treasurer as part of the general revenue of the state except the following funds which shall be recorded in separate accounts:

(1) All funds excluded by the provisions of section six, article eleven, chapter four of this code;

(2) All funds derived from the sale of farm and dairy products from farms operated by any spending unit of the state;

(3) All endowment funds, bequests, donations, executive emergency funds and death and disability funds;

(4) All fees and funds collected at state educational institutions for student activities;

(5) All funds derived from collections from dormitories, boardinghouses, cafeterias and road camps;

(6) All moneys received from counties by institutions for the deaf and blind on account of clothing for indigent pupils;

(7) All insurance collected on account of losses by fire and refunds;

(8) All funds derived from bookstores and sales of blank paper and stationery, and collections by the chief inspector of public offices;

(9) All moneys collected and belonging to the capitol building fund, state road fund, state road sinking fund, general school fund, school fund, state fund (moneys belonging to counties, districts and municipalities), state interest and sinking funds, state compensation funds, the fund maintained by the Public Service Commission for the investigation and supervision of applications and all fees, money, interest or funds arising from the sales of all permits and licenses to hunt, trap, fish or otherwise hold or capture fish and wildlife resources and money reimbursed and granted by the federal government for fish and wildlife conservation; and

(10) All moneys collected or received under any act of the Legislature providing that funds collected or received under the act shall be used for specific purposes.

(c) All moneys, except as provided in subdivisions (1) through (9), inclusive, subsection (b) of this section, shall be paid into the State Treasury in the same manner as collections not excepted and recorded in separate accounts for receipt and expenditure for the purposes for which the moneys are authorized to be collected by law: *Provided*, That amounts collected pursuant to subdivision subdivisions (1) through (10), subsection (b) of this section, which are found, from time to time, to exceed funds needed for the purposes set forth in general law may be transferred to other accounts or funds and redesignated for other purposes by appropriation of the Legislature. The gross amount collected in all cases shall be paid into the State Treasury. Commissions, costs and expenses, including, without limitation, amounts charged for use of bank, charge, credit or debit cards, incurred in the collection process shall be paid from the gross amount collected in the same manner as other payments are made from the State Treasury.

(d) The State Treasurer may establish an imprest fund or funds in the office of any state spending unit upon receipt of a proper application. To implement this authority, the State Treasurer shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code. The State Treasurer or his or her designee shall annually audit all imprest funds and prepare a list of the funds showing the location and amount as of fiscal year end, retaining the list as a permanent record of the State Treasurer until the Legislative Auditor has completed an audit of the imprest funds of all agencies and institutions involved.

(e) The State Treasurer may develop and implement a centralized receipts processing center. The State Treasurer may request the transfer of equipment and personnel from appropriate state agencies to the centralized receipts processing center in order

to implement the provisions of this section: *Provided*, That the Governor or appropriate constitutional officer has authority to authorize the transfer of equipment or personnel to the centralized receipts processing center from the respective agency.

§12-2-3. Deposit of moneys not due the State.

(a) All officials and employees of the State authorized to accept moneys that the State Treasurer determines or that this code specifies are not funds due the State pursuant to the provisions of section two of this article shall deposit the moneys, as soon as practicable, in the manner and in the depository specified by the State Treasurer. The State Treasurer shall prescribe the forms and procedures for depositing the moneys.

(b) Notwithstanding any provision of this code to the contrary, including provisions stating funds collected are not state funds and provisions authorizing a spending unit to have one or more accounts outside the Treasury, a spending unit shall comply with the State Treasurer's procedures for the receipt and disbursement of moneys not due the state and obtain written authorization from the State Treasurer before depositing any moneys in an account outside the Treasury. Upon the State Treasurer's written revocation of the authorization, the spending unit shall deposit funds deposited in an account outside the Treasury into the Treasury in the manner and in the depository specified by the State Treasurer. The State Treasurer is the final determining authority as to whether these funds are funds due or not due the state pursuant to section two of this article.

(c) The State Treasurer shall ~~on a quarterly basis~~ provide the Legislative Auditor with a an annual report of all accounts authorized under this section.

ARTICLE 3A. FINANCIAL ELECTRONIC COMMERCE.

§12-3A-3. Financial electronic commerce.

(a) The State Auditor and the State Treasurer shall implement electronic commerce capabilities for each of their offices to facilitate the performance of their duties under this code. The State Treasurer shall competitively bid the selection of vendors needed to provide the necessary banking, investment and related goods and services, and the provisions of article one-b, chapter five, and articles three and seven, chapter five-a of this code shall not apply, unless requested by the ~~State Auditor or~~ State Treasurer.

(b) A document or a signature received, issued or used by the Auditor or the Treasurer shall be considered an original and may not be denied legal effect on the ground that it is in electronic form.

(c) The Auditor or Treasurer may, in his or her discretion, require documents filed with or submitted to his or her respective office be filed or submitted in a prescribed electronic format.

(d) The Auditor or Treasurer, in his or her discretion, may waive:

(1) Any requirements for a document filed or submitted in an electronic format; or

(2) Any requirements for the certification, notarization or verification of a document filed or submitted in an electronic format.

(e) The head of each spending unit is responsible for adopting and implementing security procedures to ensure adequate integrity, security, confidentiality and auditability of the business transactions of his or her spending unit when utilizing electronic commerce.

ARTICLE 4. ACCOUNTS, REPORTS AND GENERAL PROVISIONS.

§12-4-17. Retention and disposal of Treasurer's records.

The Treasurer shall develop procedures for the storage, retention and disposal of records filed with, submitted to or created by the Treasurer's office. The procedures shall comply with the requirements for state records, as defined in section three, article eight, chapter five-a of this code, and for the reproduction and preservation of essential state records, as defined in section four, article eight, chapter five-a of this code. Preservation duplicates, as defined in section three, article eight, chapter five-a of this code, shall be maintained in an unalterable readable electronic media in accordance with industry standards, reviewed for accuracy and indexed, and shall have the same force and effect as the original records whether the original records are in existence or not. The procedures shall provide for the maintenance of the confidentiality of the records and ensure the director of the division of archives and history receives the records the director identifies as having historic value. The Treasurer shall purchase the equipment and supplies needed for record retention as part of his or her electronic commerce activities: *Provided*, That this section shall not limit the responsibility of the Treasurer to provide all documents necessary for the State Auditor, the Department of Revenue and the State Tax Department to complete their duties.

ARTICLE 5. PUBLIC SECURITIES.

§12-5-4. Treasurer to keep accounts and make collections.

~~It shall be the duty of the Treasurer to~~ The Treasurer shall keep an accurate account of all securities received by him or her and collect and account for ~~the interest as it becomes due and payable~~ earnings received and the principal whenever it is due.

ARTICLE 6A. THE DEBT MANAGEMENT ACT.

§12-6A-1. Short title.

This article shall be known and may be cited as "The Debt Management Act of 1991".

§12-6A-2. Legislative findings and declaration of public necessity.

~~(a) The Legislature hereby finds and declares that efficient and effective state government requires the procuring, maintaining and reporting of pertinent information relating to the debt of the state and its agencies, boards, commissions and authorities. The State Treasurer shall perform the functions and duties necessary to serve as a central information source concerning the incurrence, recording and reporting of debt issued by the state, its agencies, boards, commissions and authorities.~~

~~(b) The Legislature hereby finds:~~

~~(1) The credit rating and acceptance of bonds, notes, certificates of participation and other securities and indebtedness of the State and its spending units have been unstable as a result of the instability in traditional national and international markets of goods and services produced by the citizens of the State.~~

~~(2) In order to finance essential capital projects for the benefit of the citizens of the State at the lowest possible cost, the State must maintain high levels of acceptance of the indebtedness of the State and its spending units in the financial markets.~~

~~(3) In order to attain these goals, authorization of State debt must be based on the ability of the State to meet its total debt service requirements, in light of other uses of its fiscal resources. in order to maintain the strong financial management of the state, to meet the fiscal needs of state government and to facilitate financing essential capital projects at the lowest possible cost to the citizens of the state, the state must regularly monitor the amount of debt issued by the state and its spending units, ensure the state and its spending units meet all debt service requirements, monitor the credit rating of the state and analyze the acceptance of debt issued by the state and its spending units. The Legislature further finds that in order to meet these important goals, the Division of Debt Management needs to be continued.~~

~~(c) The Legislature hereby further finds that the public policies and responsibilities of the State as set forth in this article cannot be fully attained without the creation of a State Division of Debt Management.~~

§12-6A-3. Division of Debt Management continued; director.

~~There is hereby created within the office of the State Treasurer, the (a) The Division of Debt Management is continued in the office of the State Treasurer.~~

~~(b) The Division shall serve as a central information source concerning the incurrence, recording and reporting of debt issued by the state and its spending units, and shall prepare reports pertaining to the capacity of the state and its spending units to issue debt.~~

~~(c) The division shall be under the control of a Director to be appointed by the Treasurer and who shall be shall appoint a director, qualified by reason of exceptional training and experience in the field of activities of his or her respective Division, and who shall serve at the will and pleasure of the Treasurer.~~

§12-6A-4. Definitions.

For the purpose of this article:

“Debt” means bonds, notes, certificates of participation, certificate transactions, capital leases, debentures, lease purchases, mortgages, securitizations and all other forms of securities and indebtedness obligations evidencing specific amounts owed and payable on demand or on determinable dates.

“Debt impact report” means a report prepared by the division which includes information pertaining to a proposed issuance of debt by the state or its spending units.

“Division” means the Division of Debt Management.

“Moral obligation bond” means a debt obligation for which the state or a spending unit has made a nonbinding covenant to make up any deficiency in debt service.

“Net tax supported debt” means the amount of tax supported debt less any applicable refundings, defeasances, escrow accounts, reserve requirements and sinking funds.

“State” means the State of West Virginia.

“Spending unit” means any of the state’s agencies, boards, commissions, committees, authorities or other of its entities with the power to issue debt and secure such debt, and not including local political subdivisions of the State a state department, agency, board, commission, committee, authority or other entity of the state with the power to issue and secure debt. Spending unit does not include local political subdivisions.

“Tax-supported debt” means: (1) General obligation bonds of the state; (2) moral obligation bonds of the state or a spending unit; (3) capital leases, installment purchases, lease purchases, mortgages, certificates of participation and any other similar debt financing transaction extending beyond one year issued by the state or its spending units; and (4) any other debt issued by the state or a spending unit which is not self-supporting. Debt issued by the West Virginia housing development fund, economic development authority, hospital finance authority, parkway authority, public energy authority, solid waste management board and water development authority, with the exception of debt secured by lottery revenues or secured by a lease with the Secretary of Administration, is not tax-supported debt.

§12-6A-5. Powers and duties.

The Division of Debt Management shall perform the following functions and duties:

~~(1) Develop a long-term debt plan including criteria for the issuance of debt by the State and its spending units and the continuous evaluation of~~ Continuously evaluate the current and projected debt and debt service requirements of the State and its spending units.

(2) Evaluate cash flow projections relative to proposed and existing revenue bond issues.

~~(3) Issue a debt impact report if requested by the Governor, the President of the Senate or the Speaker of the House of Delegates. The Division may request any additional information needed to issue a debt impact report. A debt impact report shall in no way restrict the Governor, the Legislature or the spending unit.~~

~~(3)~~ (4) Act as liaison with the Legislature on all debt matters, including, but not limited to, new debt issues and the status of debt issued by the State and its spending units.

~~(4)~~ (5) Assist the State and its spending units regarding the issuance of debt if requested.

~~(5)~~ (6) Establish reporting requirements for the issuance of debt by the State and its spending units pursuant to the provisions of this article.

~~(7) Monitor continuing disclosure requirements and post-issuance compliance issues with federal and state tax and securities law, including, without limitation, arbitrage, rebate and remedial measures.~~

~~(6)~~ (8) Make and execute contracts and other instruments and pay the reasonable value of services or commodities rendered to the division pursuant to those contracts.

~~(7)~~ (9) Contract, cooperate or join with any one or more other governments or public agencies, ~~or~~ with any political subdivision of

the State, or with the United States, to perform any administrative service, activity or undertaking which ~~any such~~ the contracting party is authorized by law to perform, ~~and to charge for providing such services and expend any fees collected.~~

(8) (10) Do all things necessary or convenient to effectuate the intent of this article and to carry out its powers and functions.

(9) ~~Provide staff services to the debt capacity advisory division established in article six-b of this chapter.~~

§12-6A-6. Reporting.

(a) Within fifteen days following the end of each calendar quarter, each state spending unit shall provide the division and the Legislative Auditor, in the manner provided by this article and in such form and detail as the State Treasurer may ~~by regulation~~ require, a ~~statement of the total debt of each such state spending unit incurred during the calendar quarter and owing at the end of such calendar quarter, which statement shall include~~ report including, but not be limited to, the name of the state spending unit, the amounts and types of debt incurred during the calendar quarter and outstanding at the end of the calendar quarter, the cost and expenses of incurring the debt, the maturity date of each debt, the terms and conditions of the debt, the current debt service on the debt, the ~~current~~ interest rate on the debt, the source of the proceeds utilized for repayment of the debt, the amounts of repayment during the calendar quarter, the repayment schedule and the security for the debt. A state spending unit having no outstanding debt shall not be required to provide the quarterly report but shall file an annual report, on forms established by the Division of Debt Management: *Provided*, That the state spending unit shall immediately notify the Division of Debt Management of any change in the spending unit's outstanding debt or financial condition.

(b) Not less than thirty days prior to a proposed offering of debt ~~to be issued by~~ the state or a state spending unit, written notice of

such the proposed offering and the terms thereof shall be given to the Division by such the state spending unit in the form as the Division may by regulation require.

(c) Within thirty days after closing on an offering, the terms shall be reported to the responsible spending unit shall report to the division the information pertaining to the offering required by the division in the form as the division may by regulation require.

(e) (d) On or before ~~the thirty-first day of~~ January 31 and the ~~thirty-first day of~~ July 31 of each year, the ~~Treasurer~~ division shall prepare and issue a report of all debt of the State and its spending units and of all proposed debt issuances of which the ~~Treasurer~~ division has received notice and shall furnish a copy of such the report to the Governor, the President of the Senate, the Speaker of the House of Delegates, the members of the Joint Committee on Government and Finance, the Legislative Auditor and upon request to any other legislative committee and any member of the Legislature. The report shall be kept available for inspection by any citizen of the state. The ~~Treasurer~~ division shall also prepare updated reports of all debt of the state and its spending units as of March 31 and September 30 each year, which shall be available for inspection at the office of the state Treasurer ~~on or before the thirty-first day of March and the thirtieth day of September of each year~~ within thirty days of the end of the respective calendar quarter.

(e) On or before January 15 each year, the division shall report to the Governor and to the Legislature on the capacity of the state to issue additional debt. In preparing its annual review and estimate, the division shall, at a minimum, consider:

(1) The amount of net tax supported debt outstanding and debt authorized but not issued during the current and next fiscal year and annually for the following ten fiscal years;

(2) Debt service requirements during the current and next fiscal year and annually for the following ten fiscal years based upon

existing outstanding debt, previously authorized but unissued debt and projected bond authorizations;

(3) Any information available from the budget office of the department of revenue in connection with projected revenues and anticipated capital expenditures projected for at least the next five fiscal years;

(4) The amount of debt the state and its spending units may prudently issue;

(5) What is needed to keep West Virginia within an average to low range of nationally recognized debt limits;

(6) The debt ratios rating agencies and analysts use; and

(7) The effect of authorizations of new tax supported debt on each of the considerations in this subsection.

§12-6A-7. Promulgation of rules.

The ~~Division of Debt Management~~ Treasurer shall ~~propose~~ promulgate rules for ~~legislative approval~~ relating to the reporting requirements and its duties under this article and the rules shall be ~~promulgated~~ in accordance with the provisions of article three, chapter twenty-nine-a of this code.

ARTICLE 6C. WEST VIRGINIA BOARD OF TREASURY INVESTMENTS.

§12-6C-7. Management and control of fund; officers; staff; fiduciary or surety bonds for directors; liability of directors.

(a) The management and control of the Consolidated Fund is vested solely in the Board in accordance with the provisions of this article.

(b) The State Treasurer is the chairperson of the Board. The Board shall elect a vice chairperson. Annually, the directors shall elect a secretary to keep a record of the proceedings of the Board and provide any other duties required by the board. The board may elect a person who is not a member of the board as secretary.

(c) The board may use the staff of the State Treasurer, employ personnel and contract with any person or entity needed to perform the tasks related to operating the Consolidated Fund.

(d) The Board shall retain an internal auditor to report directly to the Board and shall fix his or her compensation. As a minimum qualification, the internal auditor shall be a certified public accountant with at least three years' experience as an auditor. The internal auditor shall develop an internal audit plan, with board approval, for the testing of procedures, internal controls and the security of transactions.

(e) The Board may retain one employee with a chartered financial analyst designation or an employee who is a certified treasury manager.

(f) Each director shall give a separate fiduciary or surety bond from a surety company qualified to do business within this State in a penalty amount of one million dollars for the faithful performance of his or her duties as a director. The Board shall purchase a blanket bond for the faithful performance of its duties in the amount of ~~fifty million dollars or in an amount equivalent to one percent of the assets under management, whichever is greater~~ set by the board of at least \$10 million. The amount of the blanket bond is in addition to the ~~one million dollar~~ \$1 million individual bond required of each director by the provisions of this section. The Board may require a fiduciary or surety bond from a surety company qualified to do business in this state for any person who has charge of, or access to, any securities, funds or other moneys held by the board and the amount of the fiduciary or surety bond are fixed by the

board. The premiums payable on all fiduciary or surety bonds are expenses of the board.

(g) The directors, employees of the Board and employees of the State Treasurer performing work for or on behalf of the Board are not liable personally, either jointly or severally, for any debt or obligation created by the Board: *Provided*, That the directors and employees of the Board are liable for acts of misfeasance or gross negligence.

(h) The board is exempt from the provisions of article three, chapter five-a, and sections seven and eleven, article three, chapter twelve of this code. However, the board is subject to the purchasing policies and procedures of the State Treasurer's Office.

§12-6C-9. Asset allocation; investment policies, authorized investments; restrictions.

(a) The Board shall develop, adopt, review or modify an asset allocation plan for the Consolidated Fund at each annual board meeting.

(b) The Board shall adopt, review, modify or cancel the investment policy of each fund or pool created at each annual board meeting. For each participant directed account authorized by the State Treasurer, staff of the Board shall develop an investment policy for the account and create the requested account. The Board shall review all existing participant directed accounts and investment policies at its annual meeting for modification.

(c) The board shall consider the following when adopting, reviewing, modifying or canceling investment policies:

- (1) Preservation of capital;
- (2) Risk tolerance;

- (3) Credit standards;
- (4) Diversification;
- (5) Rate of return;
- (6) Stability and turnover;
- (7) Liquidity;
- (8) Reasonable costs and fees;
- (9) Permissible investments;
- (10) Maturity ranges;
- (11) Internal controls;
- (12) Safekeeping and custody;
- (13) Valuation methodologies;
- (14) Calculation of earnings and yields;
- (15) Performance benchmarks and evaluation; and
- (16) Reporting.

(d) No security may be purchased by the board unless the type of security is on a list approved at a board meeting. The board shall review the list at its annual meeting.

(e) Notwithstanding the restrictions which are otherwise provided by law with respect to the investment of funds, the board and all participants, now and in the future, may invest funds in these securities:

(1) Obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency or corporation thereof and obligations and securities of the United States sponsored enterprises, including, without limitation:

- (i) United States Treasury;
- (ii) Export-Import Bank of the United States;
- (iii) Farmers Home Administration;
- (iv) Federal Farm Credit Banks;
- (v) Federal Home Loan Banks;
- (vi) Federal Home Loan Mortgage Corporation;
- (vii) Federal Land Banks;
- (viii) Government National Mortgage Association;
- (ix) Merchant Marine bonds; and
- (x) Tennessee Valley Authority Obligations;

(2) Obligations of the Federal National Mortgage Association;

(3) Commercial paper with one of the two highest commercial paper credit ratings by a nationally recognized ~~investment rating firm~~ statistical rating organization;

(4) Corporate debt rated in one of the six highest rating categories by a nationally recognized ~~rating agency~~ statistical rating organization;

(5) Corporate debt rated investment grade by a nationally recognized statistical rating organization for pools with a weighted

average maturity or duration of at least three hundred sixty-six days;

(5) ~~(6)~~ State and local government, or any instrumentality or agency thereof, securities with one of the three highest ratings by a nationally recognized ~~rating agency~~ statistical rating organization;

~~(6)~~ ~~(7)~~ Repurchase agreements involving the purchase of United States Treasury securities and repurchase agreements fully collateralized by obligations of the United States government or its agencies or instrumentalities;

~~(7)~~ ~~(8)~~ Reverse repurchase agreements involving the purchase of United States Treasury securities and reverse repurchase agreements fully collateralized by obligations of the United States government or its agencies or instrumentalities;

~~(8)~~ ~~(9)~~ Asset-backed securities rated in the highest category by a nationally recognized ~~rating agency~~ statistical rating organization;

~~(9)~~ ~~(10)~~ Certificates of deposit; ~~and~~

~~(10)~~ ~~(11)~~ Money market and other fixed income funds; and

~~(12)~~ Investments in accordance with the Linked Deposit Program, a program using financial institutions in West Virginia to obtain certificates of deposit, loans approved by the Legislature and any other programs authorized by the Legislature.

(f) In addition to the restrictions and conditions contained in this section:

(1) At no time shall more than seventy-five percent of the Consolidated Fund be invested in any bond, note, debenture, commercial paper or other evidence of indebtedness of any private corporation or association;

(2) At no time shall more than five percent of the Consolidated Fund be invested in securities issued by a single private corporation or association; and

(3) At no time shall less than fifteen percent of the Consolidated Fund be invested in any direct obligation of or obligation guaranteed as to the payment of both principal and interest by the United States of America.

(g) Securities purchased in compliance with this article that become non-compliant may be retained upon recommendation of the investment manager of the security and the board investment consultant.

CHAPTER 33. INSURANCE.

ARTICLE 3. LICENSING, FEES, AND TAXATION OF INSURANCE.

§33-3-14d. Additional fire and casualty insurance premium tax; allocation of proceeds; effective date.

(a) (1) For the purpose of providing additional revenue for municipal policemen's and firemen's pension and relief funds and the Teachers Retirement System Reserve Fund and for volunteer and part-volunteer fire companies and departments, there is hereby levied and imposed an additional premium tax equal to one percent of taxable premiums for fire insurance and casualty insurance policies. For purposes of this section, casualty insurance does not include insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction or insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy.

(2) All moneys collected from this additional tax shall be received by the commissioner and paid by him or her into a special

account in the State Treasury, designated the Municipal Pensions and Protection Fund: *Provided*, That on or after January 1, 2010, the commissioner shall pay ten percent of the amount collected to the Teachers Retirement System Reserve Fund created in section eighteen, article seven-a, chapter eighteen of this code, twenty-five percent of the amount collected to the Fire Protection Fund created in section thirty-three of this article for allocation by the Treasurer to volunteer and part-volunteer fire companies and departments and sixty-five percent of the amount collected to the Municipal Pensions and Protection Fund: *Provided, however*; That upon notification by the Municipal Pensions Oversight Board pursuant to the provisions of section eighteen-b, article twenty-two, chapter eight of this code, on or after January 1, 2010, or as soon thereafter as the Municipal Pensions Oversight Board is prepared to receive the funds, sixty-five percent of the amount collected by the commissioner shall be deposited in the Municipal Pensions Security Fund created in section eighteen-b, article twenty-two, chapter eight of this code. The net proceeds of this tax after appropriation thereof by the Legislature is distributed in accordance with the provisions of this section, except for distribution from proceeds pursuant to subsection (d), section eighteen-a, article twenty-two, chapter eight of this code.

(b) (1) Before ~~the first day of~~ August 1 of each year, the treasurer of each municipality in which a municipal policemen's or firemen's pension and relief fund is established shall report to the State Treasurer the average monthly number of members who worked at least one hundred hours per month and the average monthly number of retired members of municipal policemen's or firemen's pension and relief fund or the Municipal Police Officers and Firefighters Retirement System during the preceding fiscal year: *Provided*, That beginning in the year 2010 and continuing thereafter, the report shall be made to the oversight board created in section eighteen-a, article twenty-two, chapter eight of this code. These reports received by the oversight board shall be provided annually to the State Treasurer by September 1.

(2) Before ~~the first day of~~ September 1 of each calendar year, the State Treasurer, or the Municipal Pensions Oversight Board, once in operation, shall allocate and authorize for distribution the revenues in the Municipal Pensions and Protection Fund which were collected during the preceding calendar year for the purposes set forth in this section. Before ~~the first day of~~ September 1 of each calendar year and after the Municipal Pensions Oversight Board has notified the Treasurer and commissioner pursuant to section eighteen-b, article twenty-two, chapter eight of this code, the Municipal Pensions Oversight Board shall allocate and authorize for distribution the revenues in the Municipal Pensions Security Fund which were collected during the preceding calendar year for the purposes set forth in this section. In any year the actuarial report required by section twenty, article twenty-two, chapter eight of this code indicates no actuarial deficiency in the municipal policemen's or firemen's pension and relief fund, no revenues may be allocated from the Municipal Pensions and Protection Fund or the Municipal Pensions Security Fund to that fund. The revenues from the Municipal Pensions and Protection Fund shall then be allocated to all other pension and relief funds which have an actuarial deficiency.

(3) The moneys, and the interest earned thereon, in the Municipal Pensions and Protection Fund allocated to volunteer and part-volunteer fire companies and departments shall be allocated and distributed quarterly to the volunteer fire companies and departments. Before each distribution date, the State Fire Marshal shall report to the State Treasurer the names and addresses of all volunteer and part-volunteer fire companies and departments within the state which meet the eligibility requirements established in section eight-a, article fifteen, chapter eight of this code.

(c) (1) Each municipal pension and relief fund shall have allocated and authorized for distribution a pro rata share of the revenues allocated to municipal policemen's and firemen's pension and relief funds based on the corresponding municipality's average monthly number of police officers and firefighters who worked

at least one hundred hours per month during the preceding fiscal year. On and after July 1, 1997, from the growth in any moneys collected pursuant to the tax imposed by this section and interest thereon there shall be allocated and authorized for distribution to each municipal pension and relief fund, a pro rata share of the revenues allocated to municipal policemen's and firemen's pension and relief funds based on the corresponding municipality's average number of police officers and firefighters who worked at least one hundred hours per month and average monthly number of retired police officers and firefighters. For the purposes of this subsection, the growth in moneys collected from the tax collected pursuant to this section is determined by subtracting the amount of the tax collected during the fiscal year ending June 30, 1996, from the tax collected during the fiscal year for which the allocation is being made and interest thereon. All moneys received by municipal pension and relief funds under this section may be expended only for those purposes described in sections sixteen through twenty-eight, inclusive, article twenty-two, chapter eight of this code.

(2) Each volunteer fire company or department shall receive an equal share of the revenues allocated for volunteer and part-volunteer fire companies and departments.

(3) In addition to the share allocated and distributed in accordance with subdivision (1) of this subsection, each municipal fire department composed of full-time paid members and volunteers and part-volunteer fire companies and departments shall receive a share equal to the share distributed to volunteer fire companies under subdivision (2) of this subsection reduced by an amount equal to the share multiplied by the ratio of the number of full-time paid fire department members who are also members of a municipal firemen's pension and relief fund or the Municipal Police Officers and Firefighters Retirement System to the total number of members of the fire department.

(d) The allocation and distribution of revenues provided for in this section are subject to the provisions of section twenty, article

twenty-two, and sections eight-a and eight-b, article fifteen, chapter eight of this code.

(e) Based upon the findings of an audit by the Treasurer, the Legislature hereby finds and declares that during the period of 1982 through April 27, 2012 allocations from the Municipal Pensions and Protection Fund were miscalculated and errors were made in amounts transferred, resulting in overpayments and underpayments to the relief and pension funds and to the Teachers Retirement System, and that the relief and pension funds and the Teachers Retirement System were not at fault for any of the overpayments and underpayments. The Legislature hereby further finds and declares that any attempt by the Municipal Pension Oversight Board or other entity to recover any of the overpayments would be unjust and create economic hardship for the entities that received overpayments. No entity, including, without limitation, the Municipal Pension Oversight Board, may seek to recover from a relief or pension fund, the Teachers Retirement System or the state any overpayments received from the Municipal Pensions and Protection Fund and the overpayments are not subject to recovery, offset or litigation. Pursuant to the audit by the Treasurer, the amount of \$3,631,846.55 is determined owed to specific relief and pension funds through the period of April 27, 2012. The Treasurer is hereby authorized to transfer the amount of \$3,631,846.55 from the Unclaimed Property Trust Fund to the Municipal Pensions and Protection Fund, which is hereby reopened for the sole purpose of the transfer and remittances pursuant to this subsection (e), and to use the amount transferred to remit the amounts due to the pension and relief funds. The payment of the \$3,631,846.55 to the pension and relief funds is complete satisfaction of any amounts due, and no entity, including, without limitation, the Municipal Pension Oversight Board and any pension or relief fund, may seek to recover any further amounts.

CHAPTER 36. ESTATES AND PROPERTY.

ARTICLE 8. UNIFORM UNCLAIMED PROPERTY ACT.

§36-8-13. Deposit of funds.

(a) The administrator shall record the name and last known address of each person appearing from the holders reports to be entitled to the property and the name and last known address of each insured person or annuitant and beneficiary and with respect to each policy or annuity listed in the report of an insurance company, its number, the name of the company and the amount due.

(b) The Unclaimed Property Fund is continued. The administrator shall deposit all funds received pursuant to this article in the Unclaimed Property Fund, including the proceeds from the sale of abandoned property under section twelve of this article. In addition to paying claims of unclaimed property duly allowed, the administrator may deduct the following expenses from the Unclaimed Property Fund:

(1) Expenses of the sale of abandoned property;

(2) Expenses incurred in returning the property to owners, including without limitation the costs of mailing and publication to locate owners;

(3) Reasonable service charge; and

(4) Expenses incurred in examining records of holders of property and in collecting the property from those holders.

(c) The Unclaimed Property Trust Fund is continued within the State Treasury. The administrator may invest the Unclaimed Property Trust Fund with the West Virginia Board of Treasury Investments and all earnings shall accrue to the fund and are available for expenditure in accordance with this article. After deducting the expenses specified in subsection (b) of this section and maintaining a sum of money from which to pay claims duly allowed, the administrator shall transfer the remaining moneys in the Unclaimed Property Fund to the Unclaimed Property Trust Fund.

(d) (1) On July 1, 2009, the unclaimed property administrator shall transfer the amount of \$8 million from the Unclaimed Property Trust Fund to the Prepaid Tuition Trust Escrow Fund.

(2) On or before December 15 of each year, notwithstanding any provision of this code to the contrary, the administrator shall transfer the sum of \$1 million from the Unclaimed Property Trust Fund to the Prepaid Tuition Trust Escrow Fund, until the actuary certifies there are sufficient funds to pay out all contracts.

(e) On or before June 1, 2007, the unclaimed property administrator shall transfer the amount of \$2 million from the Unclaimed Property Trust Fund to the Deferred Compensation Matching Fund for operation of the deferred compensation matching program for state employees. On or before June 1, 2008, the unclaimed property administrator shall transfer the amount of \$1 million from the Unclaimed Property Trust Fund to the Deferred Compensation Matching Fund for operation of the matching program.

(f) On or before June 1, 2013, the unclaimed property administrator shall transfer the amount of \$3,631,846.55 from the Unclaimed Property Trust Fund to the Municipal Pensions and Protection Fund for the purpose of satisfying any amounts due as of April 27, 2012 to policemen's and firemen's pension and relief funds in accordance with section fourteen-d, article three, chapter thirty-three of this Code.

~~(f)~~ (g) After transferring any money required by subsections (d) and ~~(e)~~ through (f) of this section, the administrator shall transfer moneys remaining in the Unclaimed Property Trust Fund to the General Revenue Fund.

The bill (Eng. Com. Sub. for H. B. No. 2837), as amended, was then ordered to third reading.

Eng. House Bill No. 2842, Clarifying that time-sharing plans, accommodations and facilities are subject to regulation by the Division of Land Sales and Condominiums.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill No. 2847, Relating to the collection of delinquent real property and personal property taxes.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

On page two, section seven, line eight, by striking out the words “taxes real property” and inserting in lieu thereof the words “real property taxes”.

The bill (Eng. H. B. No. 2847), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2848, Providing the process for requesting a refund after forfeiture of rights to a tax deed.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill No. 2851, Establishing a one time audit cost amnesty program for local governments with delinquent audit costs.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill No. 2861, Relating to continued enrollment of at-risk student in public school.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-6. Classification and standardization of schools; standards for degrees and diplomas; certificates of proficiency; establishment of alternative education programs.

(a) ~~(1)~~ The state board shall promulgate rules for the accreditation, classification and standardization of all schools in the state, except institutions of higher education, and shall determine the minimum standards for the granting of diplomas and certificates of proficiency by those schools.

(1) The certificates of proficiency shall include specific information regarding the graduate's skills, competence and readiness for employment or honors and advanced education and shall be granted, along with the diploma, to every eligible high school graduate.

(2) The certificate of proficiency shall include the program of study major completed by the student only for those students who have completed the required major courses, or higher level courses, advanced placement courses, college courses or other more rigorous substitutes related to the major, and the recommended electives.

~~(2)~~ (b) An institution of less than collegiate or university status may not grant any diploma or certificate of proficiency on any basis of work or merit below the minimum standards prescribed by the state board.

(3) (c) A charter or other instrument containing the right to issue diplomas or certificates of proficiency may not be granted by the State of West Virginia to any institution or other associations or organizations of less than collegiate or university status within the state until the condition of granting or issuing the diplomas or other certificates of proficiency has first been approved in writing by the state board.

(b) (d) The state board shall promulgate a rule for the approval of alternative education programs for disruptive students who are at risk of not succeeding in the traditional school structure.

(1) This rule may provide for the waiver of other policies of the state board, the establishment and delivery of a nontraditional curriculum, the establishment of licensure requirements for alternative education program teachers, and the establishment of performance measures for school accreditation.

(2) This rule shall provide uniform definitions of disruptive student behavior and uniform standards for the placement of students in alternative settings or providing other interventions including referrals to local juvenile courts to correct student behavior so that they can return to a regular classroom without engaging in further disruptive behavior.

(e) (e) The state board shall establish up to five pilot projects at the elementary or middle school levels, or both, that employ alternative schools or other placements for disruptive students to learn appropriate behaviors so they can return to the regular classroom without further disrupting the learning environment. The state board shall report to the Legislative Oversight Commission on Education Accountability by December 1, 2010, on its progress in establishing the pilot projects and by December 1 in each year after that for the duration of the pilot projects on the effect of the projects on maintaining student discipline.

(4) (f) If a student attends an approved alternative education program or the Mountaineer Challenge Academy, which is

designated as a special alternative education program pursuant to section twenty-four, article one-b, chapter fifteen of this code, and the student graduates or passes the General Equivalency Development (GED) Tests within five years of beginning ninth grade, that student shall be considered graduated for the purposes of calculating the high school graduation rate used for school accreditation and school system approval, subject to the following:

(1) The student shall ~~only~~ be considered graduated only to the extent that this is not in conflict with any provision of federal law relating to graduation rates;

(2) If the state board determines that this is in conflict with a provision of federal law relating to graduation rates, the state board shall request a waiver from the United States Department of Education; and

(3) If the waiver is granted, notwithstanding the provisions of subdivision (1) of this subsection, the student graduating or passing the General Educational Development (GED) Tests within five years shall be considered graduated.

~~(e)~~ (g) The state board shall promulgate a rule to support the operation of the National Guard Youth Challenge Program operated by the Adjutant General and known as the “Mountaineer Challenge Academy” which is designated as a special alternative education program pursuant to section twenty-four, article one-b, chapter fifteen of this code, for students who are at risk of not succeeding in the traditional school structure. The rule shall set forth policies and procedures applicable only to the Mountaineer Challenge Academy that provide for, but are not limited to, the following:

(1) Implementation of provisions set forth in section twenty-four, article one-b, chapter fifteen of this code;

(2) Precedence of the policies and procedures designated by the National Guard Bureau for the operation of the Mountaineer Challenge Academy special alternative education program;

(3) Consideration of a student participating in the Mountaineer Challenge Academy special alternative education program at full enrollment status in the referring county for the purposes of funding and calculating attendance and graduation rates, subject to the following:

(A) The student shall ~~only~~ be considered at full enrollment status only for the purposes of calculating attendance and graduation rates to the extent that this is not in conflict with any provision of federal law relating to attendance or graduation rates;

(B) If the state board determines that this is in conflict with a provision of federal law relating to attendance or graduation rates, the state board shall request a waiver from the United States Department of Education;

(C) If the waiver is granted, notwithstanding the provisions of paragraph (A) of this subdivision, the student shall be considered at full enrollment status in the referring county for the purposes of calculating attendance and graduation rates; and

(D) Consideration of the student at full enrollment status in the referring county is for the purposes of funding and calculating attendance and graduation rates only. For any other purpose, a student participating in the academy is considered withdrawn from the public school system;

(4) Articulation of the knowledge, skills and competencies gained through alternative education so that students who return to regular education may proceed toward attainment or may attain the standards for graduation without duplication; and

(5) Consideration of eligibility to take the General Educational Development (GED) Tests by qualifying within the extraordinary circumstances provisions established by state board rule of for a student participating in the Mountaineer Challenge Academy special alternative education program who does not meet any other criteria for eligibility.

(f) (h) Nothing in this section or the rules promulgated under this section compels the Mountaineer Challenge Academy to be operated as a special alternative education program or to be subject to any other laws governing the public schools except by its consent.

~~(g) The state board shall report to the Legislative Oversight Commission on Education Accountability on or before January 1 of each year on its efforts to cooperate with and support the Mountaineer Challenge Academy pursuant to this section and section twenty-four, article one-b, chapter fifteen of this code.~~

(i) The Legislature makes the following findings regarding students at-risk:

(1) Defeated and discouraged learners:

(A) Any child who is unlikely to graduate on schedule with both the skills and self esteem necessary to exercise meaningful options in the areas of work, leisure, culture, civic affairs and personal relationships may be defined as being an at-risk student;

(B) Problems associated with students at-risk often begin for them in the early grades as they gradually fall further behind in the essential skills of reading, writing and math;

(C) These problems may be accompanied by such behavior patterns as poor attendance, inattentiveness, negative attitudes and acting out in class. These patterns are both symptoms of and added catalysts for students to become increasingly defeated and discouraged learners;

(D) By the middle grades, students with growing skill deficits, usually know they are behind other students and have good reason to feel discouraged. A growing lack of self confidence and self worth, limited optimism for the future, avoidance of school and adults and a dimming view of the relationship between effort and achievement are among the characteristics of defeated and discouraged learners;

(E) Public schools are expected to address the needs of all students, minimizing the likelihood that they will become at-risk and giving additional attention to those who do; however, the circumstances involved with a child becoming at-risk often are complex and may include influences both within and outside of the school environment; and

(F) In fragile homes, a child who is at-risk and is becoming a discouraged and defeated learner often lacks adequate support and may develop peer relationships that further exacerbate the difficulty of reengaging him or her in learning, school and responsible social behavior.

(2) The Legislature further finds that the public schools should not be deterred from seeking and assisting with enrollment of students in an alternative program that helps remedy the discouragement, lessens skill deficits and facilitates a successful return to public school.

(A) For this purpose, subject to approval of the county superintendent, a student enrolled in the public schools of the county may continue to be enrolled while also enrolled in an alternative program subject to the following conditions:

(1) The alternative program is approved by the state board;

(2) The student meets the general description of an at-risk student and exhibits behaviors and characteristics associated with a discouraged and defeated learner;

(3) The alternative program complies with all requests of the county superintendent for information on the educational program and progress of the student;

(4) The alternative program includes a family involvement component in its program. This component shall include, but is not limited to, providing for student and parent participation in

activities that help address the challenging issues that have hindered the student's engagement and progress in learning;

(5) The alternative program includes an on site boarding option for students;

(6) The alternative program provides an individualized education program for students that is designed to prepare them for a successful transition back into the public schools; and

(7) The parents or legal guardian of the student make application for enrollment of the student in the alternative program, agree to the terms and conditions for enrollment, and enroll the student in the program.

The bill (Eng. H. B. No. 2861), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2888, Allowing members of a policemen's civil service commission to serve on other local boards and commissions.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2897, Declaring certain claims against the state and its agencies to be moral obligations of the state.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill No. 2933, Providing notification to a prosecuting attorney of an offender's parole hearing and release.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §62-12-23 the Code of West Virginia, 1931, as amended, be amended and reenacted, to read as follows:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-23. Notification of parole hearing; victim's right to be heard; notification of release on parole.

(a) Following the sentencing of a person who has been convicted of murder, aggravated robbery, sexual assault in the first or second degree, kidnapping, child abuse resulting in injury, child neglect resulting in injury, arson or a sexual offense against a minor, the prosecuting attorney who prosecuted the offender shall prepare a Parole Hearing Notification Form. This form shall contain the following information:

(1) The name of the county in which the offender was prosecuted and sentenced;

(2) The name of the court in which the offender was prosecuted and sentenced;

(3) The name of the prosecuting attorney or assistant prosecuting attorney who prosecuted the offender;

(4) The name of the judge who presided over the criminal case and who sentenced the offender;

(5) The names of the law-enforcement agencies and officers who were primarily involved with the investigation of the crime for which the offender was sentenced; and

(6) The names, addresses and telephone numbers of the victims of the crime for which the offender was sentenced or the names, addresses and telephone numbers of the immediate family members of each victim of the crime, including, but not limited to, each victim's spouse, father, mother, brothers, sisters and any adult household member residing with the victim.

(b) The prosecuting attorney shall retain the original of the Parole Hearing Notification Form and shall provide copies of it to the circuit court which sentenced the offender, the Parole Board, the Commissioner of Corrections and to all persons whose names and addresses are listed on the form.

(c) At least forty-five days prior to the date of a parole hearing, the Parole Board shall notify all persons who are listed on the Parole Hearing Notification Form, including the circuit court which sentenced the offender and office of the prosecuting attorney that prosecuted the offender, of the date, time and place of the hearing. Such notice shall be sent by certified mail, return receipt requested. The notice shall state that the victims of the crime have the right to submit a written statement to the Parole Board and to attend the parole hearing to be heard regarding the propriety of granting parole to the prisoner. The notice shall also state that only the victims may submit written statements and speak at the parole hearing unless a victim is deceased, is a minor or is otherwise incapacitated.

(d) The panel considering the parole shall inquire during the parole hearing as to whether the victims of the crime or their representatives, as provided in this section, are present. If so, the panel shall permit those persons to speak at the hearing regarding the propriety of granting parole for the prisoner.

(e) If the panel grants parole, it shall immediately set a date on which the prisoner will be released. Such date shall be no earlier than thirty days after the date on which parole is granted. On the date on which parole is granted, the Parole Board shall notify all persons listed on the Parole Hearing Notification Form, including

the circuit court which sentenced the offender and office of the prosecuting attorney that prosecuted the offender, that parole has been granted and the date of release. This notice shall be sent by certified mail, return receipt requested. A written statement of reasons for releasing the prisoner, prepared pursuant to ~~subdivision (4)~~; subsection (b), section thirteen of this article, shall be provided upon request to all persons listed on the Parole Hearing Notification Form, including the circuit court which sentenced the offender and office of the prosecuting attorney that prosecuted the offender.

The bill (Eng. H. B. No. 2933), as amended, was then ordered to third reading.

Eng. House Bill No. 2956, Relating to resident brewers and brewpubs.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Palumbo, unanimous consent being granted, the bill was advanced to third reading with the unreported Judiciary committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill No. 2964, Authorizing the mayor to appoint chiefs of police and deputy chiefs of police.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Snyder, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the bill was withdrawn.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §8-10-1b, to read as follows:

ARTICLE 10. POWERS AND DUTIES OF CERTAIN OFFICERS.

§8-10-1b. Authority to appoint police chief; reinstating to previous rank.

(a) Unless otherwise provided by charter, the mayor of a Class III city or Class IV town or village that has a paid police department that is not subject to the civil services provisions set out in article fourteen of this chapter, may appoint a chief of police.

(b) A Class III city or Class IV town or village may provide by ordinance whether the individual appointed chief of police who held a position as a member of the paid police department prior to his or her appointment as chief of police shall be reinstated to the officer's previous rank following his or her term as chief of police.

The bill (Eng. Com. Sub. for H. B. No. 2964), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 3020, Improving boat dock and marina safety.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Laird, as chair of the Committee on Natural Resources, and by unanimous consent, the unreported Natural Resources committee amendment to the bill was withdrawn.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §20-9-1, §20-9-2, §20-9-3, §20-9-4, §20-9-5 and §20-9-6, all to read as follows:

ARTICLE 9. BOAT DOCK AND MARINA SAFETY REQUIREMENTS – THE MICHAEL CUNNINGHAM ACT.

§20-9-1. Definitions.

As used in this article:

(1) “ABYC” means the American Boat and Yacht Council;

(2) “Boat dock” means a man-made structure that protrudes into a body of water for the purpose of mooring a boat or for other water-related recreation, including boat liveries, and that is connected to an electrical power source in any manner: *Provided*, That “boat dock” does not include structures that are privately owned and used exclusively by the owner or the owner’s guests for non-commercial purposes;

(3) “Boat dock or marina owner or operator” means any person who:

(A) Has an ownership interest in a boat dock or marina, other than a lienholder; or

(B) Operates a boat dock or marina;

(4) “Ground fault circuit interrupter” means a device that functions to de-energize a circuit, or a portion thereof, within an established period of time when current to ground exceeds a predetermined value that is less than required to operate the over current protective device of the supply circuit;

(5) “Marina” means a dock including a boat dock or basin providing moorings for motorboats and offering supply, repair or other services, including electrical power supply, for remuneration: *Provided*, That “marina” does not include docks that are privately owned and used exclusively by the owner or the owner’s guests for non-commercial purposes;

(6) “Motorboat” means any vessel propelled by an electrical, steam, gas, diesel or other propelled or driven motor, whether or not the motor is the principal source of propulsion, but does not include a vessel with a valid marine document issued by the United States Bureau of Customs or any federal agency that is the successor to the Bureau of Customs;

(7) “Person” means an individual, partnership, firm, corporation, association or other entity; and

(8) “Vessel” means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

§20-9-2. Boat Dock and Marina Safety Requirements - Swimming and Signage.

All boat dock or marina owners or operators shall install permanent safety signage with print legible at eighty feet of distance and placed to give adequate notice, to persons using the boat dock or marina or swimming near the boat dock or marina, of the electric shock hazard risks of the waters around the boat dock or marina. The signage shall state: “ELECTRIC SHOCK HAZARD RISK: NO SWIMMING WITHIN 100 YARDS OF THE BOAT DOCK”.

§20-9-3. Boat Dock and Marina Safety Requirements-Electrical Shock and Electrocutation.

(a) All boat dock or marina owners or operators shall comply with the following requirements to prevent electrical shock, electrocution or injury to users of their facilities and the surrounding areas:

(1) All electrical wiring involving 110 AC or 220 AC shall be installed by and maintained by a holder of a valid West Virginia journeyman electrician license or master electrician license in accordance with the most recently adopted versions of the National Fire Protection Association's Standards for Marinas and Boatyards (NFPA 303) and the National Electric Code (NFPA 70);

(2) Install ground fault circuit interrupters on all boat dock and marina electrical wiring circuits; and

(3) Cause annual inspection by a West Virginia licensed electrical inspector of all sources of electrical supply, including ship-to-shore power pedestals, submergible pumps, and sewage pump-out facilities, that could result in unsafe electrical current in the water: *Provided*, That the inspection required by this subdivision be done between January 1 and May 1 each year.

§20-9-4. Compliance date and Enforcement.

Each boat dock and marina shall be in full compliance with this article by August 1, 2014. The penalties contained in section seven of this article apply only to conduct on or after August 1, 2014. Enforcement of sections three and four of this article regarding the work of electricians shall be conducted by the State Fire Marshal.

§20-9-5. Rule-making Authority.

The State Fire Marshal may promulgate emergency rules pursuant to the provisions of section fifteen, article three, chapter

twenty-nine-a of this code and shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this article and incorporate boat dock and marina safety standards for electricians, including but not limited to the National Fire Protection Association's Standards for Marinas and Boatyards (NFPA 303), Article 555 of the National Electric Code and ABYC Standards Projects E-2, E-10 and E-11, as appropriate to the West Virginia waterways.

§20-9-6. Penalties.

(a) A boat dock or marina owner or operator who violates sections two or three of this article and the violation does not result in the injury or death of a person, shall, for the first offense, be issued a warning citation with no court appearance or penalty, and for a second or subsequent offense, be fined \$100. After a boat dock or marina owner or operator is put on notice of a violation of sections two or three of this article and is directed to cure the violation within a certain amount of time, each and every day that the violation continues after the time given to cure shall constitute a separate offense.

(b) A boat dock or marina owner or operator who violates sections two or three of this article, and the violation results in the injury of a person, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500, and for a second offense or subsequent offense shall be fined not more than \$1,000 or confined in jail for not more than six months, or both fined and confined.

(c) A boat dock or marina owner who violates sections two or three of this article, and the violation results in the death of a person, shall be guilty of a misdemeanor and upon conviction, shall be fined not more than \$1,000 or confined in jail for not more than one year, or both fined and confined.

On motion of Senator Cole, the following amendment to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. No. 3020) was next reported by the Clerk and adopted:

On pages three and four, by striking out all of section three and inserting in lieu thereof a new section three, to read as follows:

§20-9-3. Boat Dock and Marina Safety Requirements-Electrical Shock and Electrocutation.

All boat dock or marina owners or operators shall comply with the following requirements to prevent electrical shock, electrocution or injury to users of their facilities and the surrounding areas:

(1) All electrical wiring involving 110 AC or 220 AC shall be installed by and maintained by a holder of a valid West Virginia journeyman electrician license or master electrician license in accordance with the most recently adopted versions of the National Fire Protection Association's Standards for Marinas and Boatyards (NFPA 303) and the National Electric Code (NFPA 70);

(2) Install ground fault circuit interrupters on all boat dock and marina electrical wiring circuits; and

(3) Cause an inspection before August 1, 2014 and at least once every three years thereafter by a West Virginia licensed electrical inspector of all sources of electrical supply, including ship-to-shore power pedestals, submergible pumps, and sewage pump-out facilities, that could result in unsafe electrical current in the water.

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. No. 3020), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 3069, Relating to access to justice.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 3139, Authorizing qualified investigators employed by the Secretary of State to carry a firearm and concealed weapon.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §3-1A-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §5-3-3 of said code be amended and reenacted, all to read as follows:

CHAPTER 3. ELECTIONS.

ARTICLE 1A. STATE ELECTION COMMISSION AND SECRETARY OF STATE.

§3-1A-8. Investigators for the Secretary of State.

(a) An employee of the Secretary of State, who has attended a course of instruction at the State Police Academy or its equivalent, has all the lawful powers delegated to members of the ~~Department of Public Safety~~ state police to enforce the provisions of this chapter and the criminal laws of the state in any county or municipality of this state. The Secretary of State may allow an investigator who has met the standards set forth in section four, article seven, chapter

sixty-one of this code to carry a firearm and concealed weapon while performing their official duties: *Provided*, That as a precondition of being authorized to carry a firearm or concealed weapon in the course of their official duties, any such designated personnel must obtain and maintain firearms training and certification which is equivalent to that which is required of members of the state police. The designated persons must also possess a license to carry a concealed deadly weapon in the manner prescribed in article seven, chapter sixty-one of this code, or otherwise be exempted from the code's provisions.

(b) ~~An employee shall, before~~ Before entering upon the discharge of his or her duties, an employee shall execute a bond with security in the sum of \$3,500, payable to the State of West Virginia, conditioned for the faithful performance of his or her duties. ~~as such, and such~~ The bond shall be approved as to form by the Attorney General and ~~the bond shall~~ be filed with the Secretary of State and preserved in his or her office. The ~~Department of Public Safety~~ State Police and any a county sheriff or deputy sheriff or any a municipal police officer, upon request by the Secretary of State or his or her appointee, is authorized to assist the Secretary of State or his or her appointee in enforcing the provisions of this chapter and the criminal laws of the state.

**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.

§5-3-3. Assistants to Attorney General; Investigators; Firearms.

(a) The Attorney General may appoint such assistant attorneys general as may be necessary to properly perform the duties of his or her office. The total compensation of all such assistants shall be

within the limits of the amounts appropriated by the Legislature for personal services. All assistant attorneys general so appointed shall serve at the pleasure of the Attorney General and shall perform such duties as ~~he~~ the Attorney General may require of them.

(b) All laws or parts of laws inconsistent with the provisions hereof are hereby amended to be in harmony with the provisions of this section.

(c) The Attorney General may allow an investigator who has met the standards set forth in section four, article seven, chapter sixty-one of this code to carry a firearm and concealed weapon while performing their official duties: *Provided*, That as a precondition of being authorized to carry a firearm or a concealed weapon in the course of their official duties, any such designated personnel must obtain and maintain firearms training and certification which is equivalent to that which is required members of the state police. The designated persons must also carry a concealed deadly weapon in the manner prescribed in article seven, chapter sixty-one, or otherwise be exempted from the code's provisions.

The bill (Eng. Com. Sub. for H. B. No. 3139), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 3145, Removing the existing maximum quantities of beer that retailers can sell for off premises.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 3157, Restoring the authority, flexibility, and capacity of schools and school systems to improve student learning.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Plymale, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the bill was withdrawn.

On motion of Senator Plymale, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §18-2-15, §18-2-15a, §18-2-18, §18-2-23, §18-2-30, §18-2-31, §18-2-36, §18-2-37 and §18-2-38 of the code of West Virginia, 1931, as amended, be repealed; that §18-2E-3c and §18-2E-3d of said code be repealed; that §18-5-40 of said code be repealed; that §18-9-2b, §18-9-5, §18-9-7 and §18-9-8 of said code be repealed; that §18-9A-3a, §18-9A-3b, §18-9A-13, §18-9A-13a, §18-9A-13b, §18-9A-25 and §18-9A-26 of said code be repealed; that §18-9B-11 and §18-9B-16 of said code be repealed; that §18A-3-2b of said code be repealed; that §18-2-5g of said code be amended and reenacted; that §18-5-45 of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §18-8-6a; that §18-9A-10 of said code be amended and reenacted; and that §18-17-8 of said code be amended and reenacted, all to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-5g. Review and determination of principal and teacher reports; identify reports with recommendations to Legislative Oversight Commission on Education Accountability.

(a) The state board annually shall review and evaluate the list of reports required to be written by principals and teachers in order to determine which reports are repetitive, unnecessary, counterproductive or outdated so that the administrative burden on principals and teachers may be lessened.

(b) The state board shall submit a report to the Legislative Oversight Commission on Education Accountability no later than December 31 of each year identifying those unnecessary reports, together with any comments and recommendations on how to reduce or consolidate principal and teacher reports.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-45. School calendar.

(a) As used in this section:

(1) “Instructional day” means a day within the instructional term which meets the following criteria:

(A) Instruction is offered to students for at least the minimum amount of hours provided by state board rule;

(B) Instructional time is used for instruction and cocurricular activities; and

(C) Other criteria as the state board determines appropriate.

(2) “Cocurricular activities” are activities that are closely related to identifiable academic programs or areas of study that serve to complement academic curricula as further defined by the state board.

(b) *Findings.* –

(1) The primary purpose of the school system is to provide instruction for students.

(2) The school calendar, as defined in this section, is designed to define the school term both for employees and for instruction.

(3) The school calendar shall provide for one hundred eighty separate instructional days.

(c) The county board shall provide a school term for its schools that contains the following:

(1) An employment term that excludes Saturdays and Sundays and consists of at least two hundred days, which need not be successive. The beginning and closing dates of the employment term may not exceed forty-eight weeks;

(2) Within the employment term, an instructional term for students of no less than one hundred eighty separate instructional days, which includes an inclement weather and emergencies plan designed to guarantee an instructional term for students of no less than one hundred eighty separate instructional days;

(3) Within the employment term, noninstructional days shall total twenty and shall be comprised of the following:

(A) Seven paid holidays;

(B) Election day as specified in section two, article five, chapter eighteen-a of this code;

(C) Six days to be designated by the county board to be used by the employees outside the school environment, with at least four outside the school environment days scheduled to occur after the one hundred and thirtieth instructional day of the school calendar; and

(D) The remaining days to be designated by the county board for purposes to include, but not be limited to:

(i) Curriculum development;

(ii) Preparation for opening and closing school;

(iii) Professional development;

(iv) Teacher-pupil-parent conferences;

(v) Professional meetings;

(vi) Making up days when instruction was scheduled but not conducted; and

(vii) At least four two-hour blocks of time for faculty senate meetings with each two-hour block of time scheduled once at least every forty-five instructional days; and

(4) Scheduled out-of-calendar days that are to be used for instructional days in the event school is canceled for any reason.

(d) A county board of education shall develop a policy that requires additional minutes of instruction in the school day or additional days of instruction to recover time lost due to late arrivals and early dismissals.

(e) If it is not possible to complete one hundred eighty separate instructional days with the current school calendar, the county board shall schedule instruction on any available noninstructional day, regardless of the purpose for which the day originally was scheduled, or an out-of-calendar day and the day will be used for instruction of students: *Provided*, That the provisions of this subsection do not apply to:

(A) Holidays;

(B) Election day;

(C) Saturdays and Sundays.

(f) The instructional term shall commence and terminate on a date selected by the county board.

(g) The state board may not schedule the primary statewide assessment program more than thirty days prior to the end of the instructional year unless the state board determines that the nature of the test mandates an earlier testing date.

(h) The following applies to cocurricular activities:

(1) The state board shall determine what activities may be considered cocurricular;

(2) The state board shall determine the amount of instructional time that may be consumed by cocurricular activities; and

(3) Other requirements or restrictions the state board may provide in the rule required to be promulgated by this section.

(i) Extracurricular activities may not be used for instructional time.

(j) Noninstructional interruptions to the instructional day shall be minimized to allow the classroom teacher to teach.

(k) Prior to implementing the school calendar, the county board shall secure approval of its proposed calendar from the state board or, if so designated by the state board, from the state superintendent.

(l) In formulation of a school's calendar, a county school board shall hold at least two public meetings that allow parents, teachers, teacher organizations, businesses and other interested parties within the county to discuss the school calendar. The public notice of the date, time and place of the public hearing must be published in a local newspaper of general circulation in the area as a Class II legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of this code.

(m) The county board may contract with all or part of the personnel for a longer term of employment.

(n) The minimum instructional term may be decreased by order of the state superintendent in any county declared a federal disaster area and where the event causing the declaration is substantially related to a reduction of instructional days.

(o) Notwithstanding any provision of this code to the contrary, the state board may grant a waiver to a county board for its noncompliance with provisions of chapter eighteen, eighteen-a, eighteen-b and eighteen-c of this code to maintain compliance in reaching the mandatory one hundred eighty separate instructional days established in this section.

(p) The state board shall promulgate a rule in accordance with the provisions of article three-b, chapter twenty-nine-a of this code for the purpose of implementing the provisions of this section.

(q) The amendments to this section during the 2013 regular session of the Legislature shall be effective for school years beginning on or after July 1, 2014, and the provisions of this section existing immediately prior to the 2013 regular session of the Legislature remain in effect for school years beginning prior to July 1, 2014.

ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

§18-8-6a. Incentive for county board participation in circuit court juvenile probation truancy programs.

A county board that enters into a truancy program agreement with the circuit court of the county that (1) provides for the referral of truant juveniles for supervision by the court's probation office pursuant to section eleven, article five, chapter forty-nine of this code and (2) requires the county board to pay for the costs of the probation officer or officers assigned to supervise truant juveniles, shall be reimbursed for one-half of the costs of the probation officer or officers, subject to appropriation of the Legislature for this purpose to the West Virginia Department of Education. For

any year in which the funds appropriated are insufficient to cover the reimbursement costs, the county's costs shall be reimbursed pro rata.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-10. Foundation allowance to improve instructional programs.

(a) The total allowance to improve instructional programs shall be the sum of the following:

(1) For instructional improvement, in accordance with county and school electronic strategic improvement plans required by section five, article two-e of this chapter, an amount equal to fifteen percent of the increase in the local share amount for the next school year above any required allocation pursuant to section six-b of this article shall be added to the amount of the appropriation for this purpose for the immediately preceding school year: Provided, That effective July 1, 2014, an amount equal to ten percent of the increase in the local share amount for the next school year above any required allocation pursuant to section six-b of this article shall be added to the amount of the appropriation for this purpose for the immediately preceding school year. The sum of these amounts shall be distributed to the counties as follows:

(A) One hundred fifty thousand dollars shall be allocated to each county; and

(B) Distribution to the counties of the remainder of these funds shall be made proportional to the average of each county's average daily attendance for the preceding year and the county's second month net enrollment.

Moneys allocated by provision of this ~~section~~ subdivision shall be used to improve instructional programs according to the county and school ~~electronic~~ strategic improvement plans required by

section five, article two-e of this chapter and approved by the state board: *Provided*, That notwithstanding any other provision of this code to the contrary, moneys allocated by provision of this section also may ~~also~~ be used in the implementation and maintenance of the uniform integrated regional computer information system.

Up to twenty-five percent of this allocation may be used to employ professional educators and service personnel in counties after all applicable provisions of sections four and five of this article have been fully utilized.

Prior to the use of any funds from this ~~section~~ subdivision for personnel costs, the county board must receive authorization from the state superintendent. ~~of Schools~~ The state superintendent shall require the county board to demonstrate: (1) The need for the allocation; (2) efficiency and fiscal responsibility in staffing; (3) sharing of services with adjoining counties and the regional educational service agency for that county in the use of the total local district board budget; and (4) employment of technology integration specialists to meet the needs for implementation of the West Virginia 21st Century Strategic Technology Learning Plan. County boards shall make application for ~~available funds~~ the use of funds for personnel for the next fiscal year by May 1 of each year. On or before June 1, the state superintendent shall review all applications and notify applying county boards of the ~~distribution of the allocation. The funds shall be distributed~~ approval or disapproval of the use of funds for personnel during the fiscal year appropriate. The state superintendent shall require the county board to demonstrate the need for an allocation for personnel based upon the county's inability to meet the requirements of state law or state board policy. ~~*Provided*, That the~~

The provisions relating to the use of any funds from this subdivision for personnel costs are subject to the following: (1) The funds available for personnel under this ~~section~~ subsection may not be used to increase the total number of professional noninstructional personnel in the central office beyond four; and (2) For the school

year beginning July 1, 2013, and thereafter, any funds available to a county for use for personnel above the amount available for the 2012-2013 school year, only may be used for technology systems specialists until the state superintendent determines that the county has sufficient technology systems specialists to serve the needs of the county.

The plan shall be made available for distribution to the public at the office of each affected county board; plus

(2) For the purposes of the ~~West Virginia 21st Century Strategic Technology Learning Plan provided for in section seven, article two-e of this chapter~~ improving instructional technology, an amount equal to fifteen percent of the increase in the local share amount for the next school year above any required allocation pursuant to section six-b of this article shall be added to the amount of the appropriation for this purpose for the immediately preceding school year: *Provided, That effective July 1, 2014, an amount equal to twenty percent of the increase in the local share amount for the next school year above any required allocation pursuant to section six-b of this article shall be added to the amount of the appropriation for this purpose for the immediately preceding school year.* The sum of these amounts shall be allocated to the counties as provided in section seven, article two-e of this chapter to meet the objectives of the West Virginia 21st Century Strategic Technology Learning Plan: *Provided, That effective July 1, 2014, the sum of these amounts shall be distributed to the counties as follows:*

(A) Thirty thousand dollars shall be allocated to each county; and

(B) Distribution to the counties of the remainder of these funds shall be made proportional to the average of each county's average daily attendance for the preceding year and the county's second month net enrollment.

Effective July 1, 2014, moneys allocated by provision of this subdivision shall be used to improve instructional technology

programs according to the county and school strategic improvement plans; plus

(3) One percent of the state average per pupil state aid multiplied by the number of students enrolled in dual credit, advanced placement and international baccalaureate courses, as defined by the state board, distributed to the counties proportionate to enrollment in these courses in each county; plus

(4) An amount not less than the amount required to meet debt service requirements on any revenue bonds issued prior to January 1, 1994, and the debt service requirements on any revenue bonds issued for the purpose of refunding revenue bonds issued prior to January 1, 1994, shall be paid into the School Building Capital Improvements Fund created by section six, article nine-d of this chapter and shall be used solely for the purposes of that article. The School Building Capital Improvements Fund shall not be utilized to meet the debt services requirement on any revenue bonds or revenue refunding bonds for which moneys contained within the School Building Debt Service Fund have been pledged for repayment pursuant to that section.

(b) When the school improvement bonds secured by funds from the School Building Capital Improvements Fund mature, the state Board of Education shall annually deposit an amount equal to \$24,000,000 from the funds allocated in this section into the School Construction Fund created pursuant to the provisions of section six, article nine-d of this chapter to continue funding school facility construction and improvements.

(c) Any project funded by the School Building Authority shall be in accordance with a comprehensive educational facility plan which must be approved by the state board and the School Building Authority.

**ARTICLE 17. WEST VIRGINIA SCHOOLS FOR THE DEAF
AND THE BLIND.**

§18-17-8. Continuing contract status established; dismissal and suspension procedures.

Before entering upon their duties, all teachers shall execute a contract with the state board, ~~of Education~~ which contract shall state the salary to be paid and shall be in the form prescribed by the state superintendent. ~~of Schools~~ Every such contract shall be signed by the teacher and by the president and secretary of the state board. ~~of Education~~

A teacher's contract, under this section, shall be for a term of not less than one nor more than three years; and if, after three years of such employment, the teacher who holds a professional certificate, based on at least a bachelor's degree, has met the qualifications for the same, and the ~~Board of Education~~ state board enter into a new contract of employment, it shall be a continuing contract.

Notwithstanding any other provisions of law, the state board of ~~Education~~ may suspend or dismiss any teacher, auxiliary personnel or service personnel, subject to the provisions of this article, ~~with continuing contract status~~, for immorality, incompetency, cruelty, insubordination, intemperance or willful neglect of duty. ~~but the~~ The charges shall be stated in writing and the teacher, auxiliary personnel or service personnel affected shall be given an opportunity to be heard by the state board, sitting as a hearing board, or by an assigned hearing examiner employed by the state board to preside at the taking of evidence upon not less than ten days' written notice. which charges and notice shall be served on the teacher within five days of the presentation of the charges to the state board. The hearing may be held at a regular meeting of the state board or at a special meeting called for that purpose. A hearing examiner shall prepare his or her own proposed finding and recommendation, make copies of the findings available to the parties and then submit the entire record to the state board for final decision. The state board shall set a time and place for hearing of arguments by the parties on the record at a regular meeting of the state board or at a special meeting called for that purpose and

shall deliberate and issue a decision at the conclusion of arguments. Written notice of the final decision shall be served within five days of the state board's consideration of the matter.

The bill (Eng. Com. Sub. for H. B. No. 3157), as amended, was then ordered to third reading.

Eng. House Bill No. 3160, Providing for a pilot initiative on governance of schools jointly established by adjoining counties.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-11. Joint establishment of schools.

(a) The boards of two or more adjoining counties may jointly establish and maintain schools. The title to the school shall be vested in the board of the county in which the school is located. The agreement by which the school is established shall be reduced to writing and entered of record in the minutes of each board.

(b) The boards of the several districts shall determine the site of the proposed school and the amount to be expended for its establishment and equipment. ~~The cost shall be apportioned upon the basis of the respective valuations of the taxable property in each district.~~

(1) The participating counties shall enter a formal agreement regarding the manner in which the cost for the acquisition of the property and equipment shall be apportioned.

(2) The board in the district in which the building is located shall be vested with the control and management of the school, except as may otherwise be provided in the agreement between the counties.

(c) The annual operating costs shall be ~~apportioned among the districts on the basis of the average daily attendance of pupils from each district.~~ the responsibility of the county in which the joint school is located and subject to the allowance transfer set forth in section fourteen, article nine-a of this chapter unless otherwise provided in the agreement between the counties.

(d) For a county board that sends students to a jointly established school in another county and that provides transportation for those students or that otherwise contributes to the support services or instructional program of the school, the net enrollment of the county for the purposes of calculating its basic foundation program as provided in article nine-a of this chapter, only, shall be increased by fifteen one hundredths multiplied by the number of full-time equivalent students from the county who are enrolled in the jointly established school.

§18-5-11a. Joint governing partnership board pilot initiative.

(a) The Legislature finds that many examples exist across the state of students who reside in one county, but who attend the public schools in an adjoining county.

(1) These arrangements have been accommodated by the boards of the adjoining counties and applicable statutes to serve best the interests of the students by enabling them to attend a school closer to their homes.

(2) Typically, these arrangements have evolved because school closures or construction of new schools in the student's county of residence have made a cross-county transfer to an existing school in an adjoining county a more convenient, practical and educationally sound option.

(b) The Legislature further finds that as population changes continue to occur, the boards of adjoining counties may best serve the interests of their students and families by establishing a new school in partnership to be attended by students residing in each of the counties. Particularly in the case of elementary grade level schools established in partnership between adjoining counties, the Legislature finds that each of the county boards, as well as the parents of students from each of the counties attending the school, have an interest in the operation of the school and the preparation of the students for success as they transition to the higher grade levels in the other schools of their respective home counties. Therefore, in the absence of a well defined governance structure that accommodates these interests, the purpose of this section is to provide for a joint governing partnership board pilot initiative.

(c) The pilot initiative is limited to the joint establishment by two adjoining counties of a school including elementary grade levels for which a memorandum of understanding on the governance and operation of the school has been signed. The pilot initiative is subject to amendment of the agreement as may be necessary to incorporate at least the following features of a joint governing partnership board:

(1) The joint governing partnership board is comprised of the county superintendent of each county, the president of the county board of each county or his or her designee, and a designee of the state superintendent;

(2) The board shall elect a chair from among its membership for a two-year term and may meet monthly or at the call of the chair.

(A) Meetings of the board are subject to the open governmental proceedings laws applicable to county boards.

(B) The boards of the respective counties are responsible for the expenses of its members and shall apportion other operational expenses of the board upon mutual agreement.

(C) Once the jointly established school is opened, the meetings of the board shall be held at the school;

(3) All provisions of law applicable to the establishment, operation and management of an inter-county school including, but not limited to, section eleven, article five and section fourteen, article nine-a of this chapter and article eight-i, article four, chapter eighteen-a of this code apply, except that the joint governing partnership board may exercise governing authority for operation and management of the school in the following areas:

(A) *Personnel.*

(1) Within the applicable laws for employment, evaluation, mentoring, professional development, suspension and dismissal, the powers and duties of the county superintendent are vested in the joint governing partnership board with respect to the employees employed by the county in which the school is located or assigned to the school from the partner county.

(2) The employees are the employees of the employing county board and the partnership board may make recommendations concerning these employment matters to the employing board it considers necessary and appropriate;

(B) *Curriculum.*

(1) The joint governing partnership board is responsible for the formulation and execution of the school's strategic improvement plan and technology plan to meet the goals for student and school performance and progress.

(2) In its formulation of these plans, the partnership board shall consider the curriculum and plans of the respective county boards to ensure preparation of the students at the school for their successful transition into the higher grade level schools of the respective counties;

(C) *Finances.* The joint governing partnership board shall control and may approve the expenditure of all funds allocated to the school for the school budget from either county and may solicit and receive donations, apply for and receive grants and conduct fund raisers to supplement the budget; and

(D) *Facilities.* Consistent with the policies in effect concerning liability insurance coverage, maintenance and appropriate uses of school facilities for the schools of the county in which the school is located, the joint governing partnership board governs the use of the school facility and ensures equitable opportunities for access and use by organizations and groups from both counties.

(b) The joint governing partnership board may adopt policies for the school that are separate from the policies of the respective counties and, working in concert with its local school improvement council, may propose alternatives to the operation of the school which require the request of a waiver of policy, interpretation or statute from either or both county boards, the state board or the Legislature as appropriate.

(c) The superintendents and presidents of county boards of adjoining counties that have in effect on the effective date of this section a memorandum of understanding on the governance and operation of a jointly established school shall report to the Legislative Oversight Commission on Education Accountability on or before November 1, 2013, on the status of implementation of this section.

(1) Once established, the joint governing partnership board established under this pilot initiative shall remain in effect for five consecutive school years unless authority for the pilot initiative is repealed.

(2) The Legislative Oversight Commission on Education Accountability may request the superintendents and the presidents of the county boards to provide periodic updates on this pilot

initiative. Also, at the conclusion of the five-year pilot initiative, they shall report their recommendations on the viability of the joint governing partnership board approach and any recommended changes to the Legislative Oversight Commission on Education Accountability.

(A) When the five-year period is concluded, by affirmative vote of both boards, the joint governing partnership board shall remain in effect; or

(B) The agreement between the boards for the governance and operation of the school shall revert to the terms in effect on the effective date of this section, subject to amendment by agreement of the boards.

ARTICLE 5A. LOCAL SCHOOL INVOLVEMENT.

§18-5A-2a. Local school improvement council modification for certain jointly established and across county schools.

(a) For the purposes of this section, “parent” or “parents” means the person or persons who have legal responsibility for a student, including parents, guardians or custodians.

(b) *Jointly established schools* –

(1) In the case of a school that is jointly established by two or more adjoining counties as provided in section eleven, article five of this chapter, the school’s local school improvement council shall be modified to include a composition of parents and at-large members in its membership as follows, notwithstanding subdivisions (4) and (5), subsection (a), section two of this article:

(A) Five parents of students enrolled at the school elected by the parent members of the school’s parent teacher organization. If there is no parent teacher organization, the parent members shall

be elected by the parents of students enrolled at the school in such manner as may be determined by the principal. No more than three parents may be residents of the same county; and

(B) Four at-large members appointed by the principal:

(i) Two shall reside in the school's attendance area, but may not be from the same county; and

(ii) Two shall represent business or industry and may not be from the same county.

(C) None of the at-large members is eligible for membership under any of the other elected classes of members.

(2) The local school improvement council shall meet at least once each year with the advisory council as established in the memorandum of understanding or with the joint governing partnership board for the jointly established school as applicable.

(3) Prior to commencing an authorized action under section three of this article for the purpose of proposing alternatives to the operation of the school and for the purpose of requesting a waiver of policy, interpretation or statute if needed to implement the alternative, the local school improvement council shall seek advice from the jointly established school's advisory council or joint governing partnership board.

(c) In the case of a school that is not a jointly established school as provided in section eleven, article five of this chapter, but whose net enrollment includes at least one hundred fifty students whose parents are residents of an adjoining county, upon a petition signed by a majority of the parents of the students who are enrolled at the school, but who reside in an adjoining county, the local school improvement council of the school shall be modified as provided in subdivisions (1) and (2), subsection (a) of this section.

(d) For local school improvement councils under this section who are proposing alternatives to the operation of the school which require the request of a waiver of policy, interpretation or statute under the authority and procedures as set forth in section three of this article, the terms “appropriate board” and “affected board” as used in section three, mean the board or the multiple boards from whom a waiver is necessary for the proposal to be implemented.

The bill (Eng. H. B. No. 3160), as amended, was then ordered to third reading.

Eng. House Bill No. 3161, Repealing section relating to additional fee to be collected for each marriage license issued.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

At the request of Senator Unger, unanimous consent being granted, the Senate returned to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 4:59 p.m. today:

Eng. Com. Sub. for House Bill No. 2585, Increasing the time to file a petition in response to notice of an increased assessment.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Unger, the Senate recessed until 5:45 p.m. today.

Upon expiration of the recess, the Senate reconvened.

On motion of Senator Unger, the Senate adjourned until tomorrow, Saturday, April 13, 2013, at 11 a.m.

SATURDAY, APRIL 13, 2013

The Senate met at 11 a.m.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by The Honorable Ronald F. Miller, a senator from the tenth district, and Pastor, Shuck Memorial Baptist Church, Lewisburg, West Virginia, and West Point Baptist Church, Asbury, West Virginia.

Pending the reading of the Journal of Friday, April 12, 2013,

On motion of Senator Cann, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented a communication from the Geological and Economic Survey, submitting its 2011 and 2012 annual reports, in accordance with chapter twenty-nine, article two, section six of the code of West Virginia.

Which communication and reports were received and filed with the Clerk.

The Senate proceeded to the fourth order of business.

Senator Green, from the Committee on Confirmations, submitted the following report, which was received:

Your Committee on Confirmations has had under consideration

Senate Executive Message No. 2, dated February 18, 2013, requesting confirmation by the Senate of the nominations mentioned

therein. The following list of names from Executive Message No. 2 is submitted:

1. For Member, Board of Medicine, Dr. Carlos Jimenez, Glen Dale, Marshall County, for the term ending September 30, 2016.

2. For Member, Board of Medicine, Dr. R. Curtis Arnold, Hurricane, Putnam County, for the term ending September 30, 2016.

3. For Member, Nursing Home Administrators Licensing Board, Joseph Bucher, Elkins, Randolph County, for the term ending June 30, 2015.

4. For Member, Women's Commission, Barbara Kyle, Daniels, Raleigh County, for the term ending June 30, 2014.

5. For Member, Women's Commission, Jean Ford, Williamstown, Wood County, for the term ending June 30, 2013.

6. For Member, Women's Commission, Kathleen McDermott, Wheeling, Ohio County, for the term ending June 30, 2014.

7. For Member, State Personnel Board, Randy Hansford, Ghent, Raleigh County, for the term ending June 30, 2014.

8. For Member, Public Port Authority, Patrick Ford, Weirton, Hancock County, for the term ending June 30, 2014.

9. For Member, Design-Build Board, Donald Gombert, Crab Orchard, Raleigh County, for the term ending July 7, 2014.

10. For Member, Design-Build Board, John Goetz IV, Dunbar, Kanawha County, for the term ending July 7, 2013.

11. For Member, Design-Build Board, Marc Monteleone, Charleston, Kanawha County, for the term ending July 7, 2014.

12. For Member, Design-Build Board, Roy Smith, Beckley, Raleigh County, for the term ending July 7, 2013.

13. For Member, Design-Build Board, Rodney Clay, Charleston, Kanawha County, for the term ending July 7, 2014.

14. For Member, Design-Build Board, Henry Wood Thrasher, Clarksburg, Harrison County, for the term ending July 7, 2014.

15. For Member, Design-Build Board, Mary Jo Klempa, Wheeling, Ohio County, for the term ending July 7, 2013.

16. For Member, Design-Build Board, Ronnie Spradling, St. Albans, Kanawha County, for the term ending July 7, 2013.

17. For Member, Board of Coal Mine Health and Safety, Terry Hudson, Flat Top, Mercer County, for the term ending June 30, 2015.

18. For Member, Parole Board, Peggy Pope, Charleston, Kanawha County, for the term ending June 30, 2018.

19. For Member, Parole Board, Benita Murphy, Logan, Logan County, for the term ending June 30, 2018.

20. For Member, Board of Control for Southern Regional Education, Paul Hill, for the term ending June 30, 2016.

21. For Member, West Virginia University Board of Governors, Ray Lane, Atherton, California, for the term ending June 30, 2016.

22. For Member, West Virginia University Board of Governors, The Honorable James Robert Rogers, Ponte Vedra Beach, Florida, for the term ending June 30, 2016.

23. For Member, West Virginia University Board of Governors, Charles Vest, Washington, D. C., for the term ending June 30, 2016.

24. For Member, Eastern West Virginia Community and Technical College Board of Governors, Curtis Durst, Fisher, Hardy County, for the term ending June 30, 2016.

25. For Member, Eastern West Virginia Community and Technical College Board of Governors, Richard Gillespie, Franklin, Pendleton County, for the term ending June 30, 2016.

26. For Member, Broadband Deployment Council, Dana Waldo, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

27. For Member, Shepherd University Board of Governors, Dr. John Younis, Shepherdstown, Jefferson County, for the term ending June 30, 2016.

28. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Cheryl Schreiber, Weirton, Brooke County, for the term ending June 30, 2016.

29. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Dr. Charles Davis, Stow, Ohio, for the term ending June 30, 2016.

30. For Member, Fairmont State University Board of Governors, Dr. Chris Courtney, Bridgeport, Harrison County, for the term ending June 30, 2016.

31. For Member, Fairmont State University Board of Governors, Ron Tucker, Fairmont, Marion County, for the term ending June 30, 2016.

32. For Member, Fairmont State University Board of Governors, Mark Pallotta, Fairmont, Marion County, for the term ending June 30, 2016.

33. For Member, Southern West Virginia Community and Technical College Board of Governors, Thomas Heywood, Charleston, Kanawha County, for the term ending June 30, 2016.

34. For Member, Southern West Virginia Community and Technical College Board of Governors, Jada Hunter, Williamson, Mingo County, for the term ending June 30, 2016.

35. For Member, Southern West Virginia Community and Technical College Board of Governors, Terry Sammons, Gilbert, Mingo County, for the term ending June 30, 2015.

36. For Member, West Liberty University Board of Governors, Richard Carter, Wheeling, Ohio County, for the term ending June 30, 2016.

37. For Member, West Liberty University Board of Governors, Patrick Kelly, Charleston, Kanawha County, for the term ending June 30, 2016.

38. For Member, Broadband Deployment Council, James Nestor, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

39. For Member, Broadband Deployment Council, Jim Martin, Bridgeport, Harrison County, to serve at the will and pleasure of the Governor.

40. For Member, Council for Community and Technical College Education, Steve Roberts, Follansbee, Brooke County, for the term ending December 20, 2015.

41. For Member, Veterans' Council, Hershel Woodrow Williams, Ona, Cabell County, for the term ending June 30, 2018.

42. For Member, Housing Development Fund, J. D. Stricklen, Blue Creek, Kanawha County, for the term ending October 30, 2015.

43. For Member, Board of Landscape Architects, Jason Testman, Charleston, Kanawha County, for the term ending June 30, 2014.

44. For Member, Board of Landscape Architects, John Rudmann, Morgantown, Monongalia County, for the term ending June 30, 2013.

45. For Member, Board of Landscape Architects, Michael Biafore, Morgantown, Monongalia County, for the term ending June 30, 2015.

46. For Member, Bridgemont Community and Technical College Board of Governors, Sarah Smith, Charleston, Kanawha County, for the term ending June 30, 2016.

47. For Member, Bridgemont Community and Technical College Board of Governors, Karen Price, Charleston, Kanawha County, for the term ending June 30, 2016.

48. For Member, Bridgemont Community and Technical College Board of Governors, Tom Dover, Charleston, Kanawha County, for the term ending June 30, 2016.

49. For Member, Glenville State College Board of Governors, Ralph Holder, Belpre, Ohio, for the term ending June 30, 2016.

50. For Member, Glenville State College Board of Governors, Stephen Gandee, Jane Lew, Lewis County, for the term ending June 30, 2016.

51. For Member, Kanawha Valley Community and Technical College Board of Governors, Bradley Shafer, Clendenin, Kanawha County, for the term ending June 30, 2016.

52. For Member, Kanawha Valley Community and Technical College Board of Governors, Gregory Barker, Leon, Mason County, for the term ending June 30, 2016.

53. For Member, Kanawha Valley Community and Technical College Board of Governors, Mark Dempsey, Charleston, Kanawha County, for the term ending June 30, 2016.

54. For Member, Kanawha Valley Community and Technical College Board of Governors, Jan Vineyard, for the term ending June 30, 2016.

55. For Member, Kanawha Valley Community and Technical College Board of Governors, Robert Manley, Charleston, Kanawha County, for the term ending June 30, 2014.

57. For Member, Veterans' Council, Randall Bare, Sandyville, Jackson County, for the term ending June 30, 2018.

58. For Member, Broadband Deployment Council, Jeffrey Wise, Follansbee, Brooke County, to serve at the will and pleasure of the Governor.

59. For Member, Statewide Independent Living Council, Marian Steele, Summersville, Nicholas County, for the term ending June 30, 2015.

60. For Member, Statewide Independent Living Council, Sarah Mathis, Grassy Meadows, Greenbrier County, for the term ending June 30, 2015.

61. For Member, Statewide Independent Living Council, Darla Ervin, Morgantown, Monongalia County, for the term ending June 30, 2015.

62. For Member, Statewide Independent Living Council, Joyce Floyd, Elkins, Randolph County, for the term ending June 30, 2015.

63. For Member, Statewide Independent Living Council, Cathy Hutchinson, Huntington, Cabell County, for the term ending June 30, 2015.

64. For Member, Statewide Independent Living Council, Sandy Haberbosch, Shinnston, Harrison County, for the term ending June 30, 2015.

65. For Member, Statewide Independent Living Council, Sarah Rogers, Charleston, Kanawha County, for the term ending June 30, 2015.

66. For Member, Statewide Independent Living Council, Jan Derry, Morgantown, Monongalia County, for the term ending June 30, 2015.

67. For Member, Statewide Independent Living Council, Scott Gossard, Petersburg, Grant County, for the term ending June 30, 2015.

68. For Member, Coal Resource Transportation Designation Committee, Richard Ryan, Sod, Lincoln County, for the term ending June 30, 2014.

69. For Member, Board of Chiropractic, Dr. Jeffrey Summers, Charleston, Kanawha County, for the term ending June 30, 2015.

70. For Member, Family Protection Services Board, Judy King Smith, Morgantown, Monongalia County, for the term ending June 30, 2014.

71. For Member, Public Port Authority, J. Eric Peters, Sistersville, Tyler County, for the term ending June 30, 2013.

72. For Member, Public Port Authority, Newton Thomas, Jr., Charleston, Kanawha County, for the term ending June 30, 2015.

73. For Member, Public Port Authority, David Efaw, Blount, Kanawha County, for the term ending June 30, 2015.

74. For Member, Public Port Authority, The Honorable Charles Lanham, Point Pleasant, Mason County, for the term ending June 30, 2014.

75. For Member, Public Port Authority, Jim Llana, Clarksburg, Harrison County, for the term ending June 30, 2015.

76. For Member, Public Port Authority, Stratus Fotos, Huntington, Cabell County, for the term ending June 30, 2015.

77. For Member, Public Port Authority, Gerald Sites, Petersburg, Grant County, for the term ending June 30, 2014.

78. For Member, Board of Miner Training, Education and Certification, Terry Osborne, Morgantown, Monongalia County, for the term ending June 30, 2015.

79. For Member, Bluefield State College Board of Governors, Garry Moore, Sr., Bluefield, Mercer County, for the term ending June 30, 2014.

80. For Member, Bluefield State College Board of Governors, Lois Ann Manns, Beckley, Raleigh County, for the term ending June 30, 2014.

81. For Member, Bluefield State College Board of Governors, Anne Lantry, Princeton, Mercer County, for the term ending June 30, 2016.

82. For Member, Family Protection Services Board, Patricia Bailey, Beaver, Raleigh County, for the term ending June 30, 2015.

83. For Member, State Board of Education, The Honorable Thomas W. Campbell, Lewisburg, Greenbrier County, for the term ending November 4, 2021.

84. For Member, Veterans' Council, Harrison Gilliam, Huntington, Cabell County, for the term ending June 30, 2015.

85. For Member, West Virginia State University Board of Governors, Larry Salyers, Charleston, Kanawha County, for the term ending June 30, 2016.

86. For Member, West Virginia State University Board of Governors, Paul Konstanty, Hurricane, Putnam County, for the term ending June 30, 2013.

87. For Member, West Virginia State University Board of Governors, John Thralls, Hurricane, Putnam County, for the term ending June 30, 2016.

88. For Member, Board of Optometry, Dr. James Campbell, New Martinsville, Wetzel County, for the term ending June 30, 2015.

89. For Member, Board of Optometry, Lori Gemondo, Bridgeport, Harrison County, for the term ending June 30, 2015.

90. For Member, Board of Optometry, Dr. Mason White II, Logan, Logan County, for the term ending June 30, 2015.

91. For Director, Office of Miners' Health, Safety and Training, Ernest Eugene White, Dorothy, Raleigh County, to serve at the will and pleasure of the Governor.

92. For Secretary, Department of Administration, Roscoe Taylor, Ripley, Jackson County, to serve at the will and pleasure of the Governor.

93. For Member, Board of Funeral Service Examiners, John Fahey, Wheeling, Ohio County, for the term ending June 30, 2015.

94. For Member, Housing Development Fund, R. Fred Clark, Logan, Logan County, for the term ending October 16, 2016.

95. For Member, Jobs Investment Trust Board, Tim Millne, Huntington, Cabell County, for the term ending June 30, 2016.

96. For Member, Property Valuation and Training Procedures Commission, Jason Nettles, Grantsville, Calhoun County, for the term ending June 30, 2014.

97. For Member, Property Valuation and Training Procedures Commission, Harvey Young, Fayetteville, Fayette County, for the term ending June 30, 2016.

98. For Member, Investment Management Board of Trustees, Judy Hale, Winfield, Putnam County, for the term ending January 31, 2013.

99. For Member, Jobs Investment Trust Board, William Goode, Hurricane, Putnam County, for the term ending June 30, 2016.

100. For Member, Property Valuation and Training Procedures Commission, Janice LaRue, Keyser, Mineral County, for the term ending June 30, 2016.

101. For Member, Property Valuation and Training Procedures Commission, Mickey Brown, Madison, Boone County, for the term ending June 30, 2014.

102. For Member, Fire Commission, John Holstein, Madison, Boone County, for the term ending June 30, 2017.

103. For Member, Board of Chiropractic, Dr. Holly Harvey, Union, Monroe County, for the term ending June 30, 2016.

104. For Member, Board of Chiropractic, H. Jarrett Walker, Charleston, Kanawha County, for the term ending June 30, 2015.

105. For Member, Board of Medicine, Dr. Kishore Challa, Charleston, Kanawha County, for the term ending September 30, 2017.

106. For Member, Real Estate Commission, Densil Nibert, Shenandoah Junction, Jefferson County, for the term ending June 30, 2016.

107. For Member, Board of Osteopathic Medicine, Dr. Arthur Rubin, Charleston, Kanawha County, for the term ending June 30, 2017.

108. For Member, Board of Osteopathic Medicine, Dr. Michael Muscari, Pineville, Wyoming County, for the term ending June 30, 2017.

109. For Member, Livestock Care Standards Board, Phillip Gregg, Masontown, Preston County, for the term ending June 30, 2018.

110. For Member, Livestock Care Standards Board, Norma Davis, Pennsboro, Ritchie County, for the term ending June 30, 2017.

111. For Member, Livestock Care Standards Board, Dale Walker, Fort Seybert, Pendleton County, for the term ending June 30, 2016.

112. For Member, Livestock Care Standards Board, Richard Woodworth, Burlington, Mineral County, for the term ending June 30, 2018.

113. For Member, Livestock Care Standards Board, Steve Conrad, Brandywine, Pendleton County, for the term ending June 30, 2017.

114. For Member, Livestock Care Standards Board, Noah Perry, Buffalo, Putnam County, for the term ending June 30, 2018.

115. For Member, Livestock Care Standards Board, Todd Butler, Inwood, Berkeley County, for the term ending June 30, 2015.

116. For Member, State Board of Education, Tina Combs, Bunker Hill, Berkeley County, for the term ending November 4, 2016.

117. For Chief Administrative Law Judge, Office of Tax Appeals, A. M. Pollack, Elkview, Kanawha County, for the term ending June 30, 2016.

118. For Member, Livestock Care Standards Board, Dr. John Wilson, Lewisburg, Greenbrier County, for the term ending June 30, 2015.

119. For Member, Racing Commission, Bill Phillips, Jr., Elkins, Randolph County, for the term ending April 1, 2016.

121. For Member, Election Commission, Taylor Downs, Morgantown, Monongalia County, for the term ending June 4, 2017.

122. For Member, Lottery Commission, David McCormick, Jr., Morgantown, Monongalia County, for the term ending June 30, 2017.

123. For Member, Education Broadcasting Authority, Corley Dennison III, Ona, Cabell County, for the term ending June 30, 2018.

Senate Executive Message No. 4, dated April 4, 2013, requesting confirmation by the Senate of the nominations mentioned therein. The following list of names from Executive Message No. 4 is submitted.

1. For Member, Livestock Care Standards Board, Ben Tuckwiller, Lewisburg, Greenbrier County, for the term ending June 30, 2016.

2. For Member, Natural Resources Commission, Jeffrey Bowers, Franklin, Pendleton County, for the term ending June 30, 2019.

3. For Member, Board of Osteopathic Medicine, Elizabeth Blatt, Princeton, Mercer County, for the term ending June 30, 2013.

4. For Member, Board of Osteopathic Medicine, Robert Whitler, Elkview, Kanawha County, for the term ending June 30, 2017.

5. For Member, Board of Osteopathic Medicine, Heather Jones, Chapmanville, Logan County, for the term ending June 30, 2018.

6. For Member, Educational Broadcasting Authority, Mark Polen, Charleston, Kanawha County, for the term ending June 30, 2019.

7. For Member, Hospital Finance Board, The Honorable Jack Roop, Crab Orchard, Raleigh County, for the term ending January 9, 2018.

8. For Member, Hospital Finance Board, David Williams, Hurricane, Putnam County, for the term ending January 9, 2015.

9. For Member, Election Commission, Vince Cardi, Morgantown, Monongalia County, for the term ending June 4, 2017.

10. For Member, Workers' Compensation Board of Review, James Gray, Bridgeport, Harrison County, for the term ending December 31, 2018.

11. For Member, Hospital Finance Authority, James Christie, Bridgeport, Harrison County, for the term ending January 9, 2014.

12. For Member, Livestock Care Standards Board, Dan Robison, Morgantown, Monongalia County, for the term ending June 30, 2016.

13. For Member, Hospital Finance Authority, Jack Hartley, Charleston, Kanawha County, for the term ending January 9, 2019.

14. For Member, Hospital Finance Authority, Geraldine Roberts, Elkins, Randolph County, for the term ending January 9, 2017.

15. For Member, Health Care Authority, Sonia Chambers, Huntington, Cabell County, for the term ending March 12, 2019.

16. For Member, School Building Authority, Steve Burton, Prichard, Wayne County, for the term ending July 31, 2015.

17. For Member, Investment Management Board of Trustees, G. Kurt Dettinger, Charleston, Kanawha County, for the term ending January 31, 2019.

18. For Member, West Virginia University-Parkersburg Board of Governors, James Six, Parkersburg, Wood County, for the term ending June 30, 2016.

19. For Member, West Virginia University-Parkersburg Board of Governors, Jeffrey Matheny, Mineral Wells, Wood County, for the term ending June 30, 2016.

20. For Member, Athletic Commission, James Frio, Wheeling, Ohio County, for the term ending June 30, 2014.

21. For Member, Athletic Commission, Steve Allred, Julian, Boone County, for the term ending June 30, 2015.

22. For Member, Regional Jail and Correctional Facility Authority, Tim McCormick, Wheeling, Ohio County, for the term ending June 30, 2013.

And,

A letter from the Regional Jail and Correctional Facility Authority, dated August 21, 2012, requesting confirmation by the Senate of the nomination mentioned therein. The following name is submitted:

1. For Executive Director, Regional Jail and Correctional Facility Authority, The Honorable Joseph DeLong, Charleston, Kanawha County, for a term of five years commencing on August 16, 2012.

And reports the same back with the recommendation that the Senate do advise and consent to all of the nominations listed above.

Respectfully submitted,

Mike Green,
Chair.

The time having arrived for the special order of business to consider the list of nominees for public office submitted by His Excellency, the Governor, and a nomination submitted by the Regional Jail and Correctional Facility Authority, the special order thereon was called by the President.

Thereupon, Senator Kessler (Mr. President) laid before the Senate the following executive messages and a letter from the Regional Jail and Correctional Facility Authority:

Senate Executive Message No. 2, dated February 18, 2013 (*shown in the Senate Journal of that day, pages 141 through 153, inclusive*).

Senate Executive Message No. 4, dated April 4, 2013 (*shown in the Senate Journal of that day, pages 1231 through 1233, inclusive*).

And,

A letter from the Regional Jail and Correctional Facility Authority, dated August 21, 2012 (*shown in the Senate Journal of February 13, 2013, pages 49 and 50*).

Senator Green then moved that the Senate advise and consent to all of the executive nominations referred to in the foregoing report from the Committee on Confirmations and that the nomination of The Honorable Joseph DeLong, as Executive Director, Regional Jail and Correctional Facility Authority, be confirmed.

The question being on the adoption of Senator Green's aforestated motion,

The roll was then taken; and

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Prezioso—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Green's motion had prevailed.

Senator Green moved that the Senate advise and consent to the nomination of Greg Allen to the Concord University Board of Governors (being nomination number 56 in Executive Message No. 2).

The roll was then taken; and

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Green's motion had prevailed and the nomination of Greg Allen to the Concord University Board of Governors had been confirmed.

Consideration of the special order of business having been concluded,

The Senate proceeded to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 11:35 a.m. today:

Eng. Senate Bill No. 108, Creating Unintentional Pharmaceutical Drug Overdose Fatality Review Team.

Without objection, the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill No. 65, Exempting PERS retirement income of DNR police officers from state income tax.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect July 1, 2013, of

Eng. Com. Sub. for Senate Bill No. 195, Removing tax rate expiration date on eligible acute care hospitals.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill No. 281, Authorizing Department of Transportation promulgate legislative rules.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill No. 331, Permitting Courthouse Facilities Improvement Authority to issue bonds.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 437, Regulating commercial dog-breeding operations.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill No. 477, Relating to electronic registration of voters.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill No. 481, Relating to juvenile mental health treatment.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill No. 604, Expanding definition of “electioneering communication”.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect July 1, 2013, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill No. 623, Relating to funding for probation officers to address truancy.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §18-5B-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5B. SCHOOL INNOVATION ZONES ACT.

§18-5B-11. Local Solution Dropout Prevention and Recovery Innovation Zone Act.

(a) *Legislative findings, intent and purpose.* –

The Legislature finds that:

(1) High school graduation is an essential milestone for all West Virginia students and impacts the future success of the individual, community and state;

(2) There are significant correlations between educational attainment and labor market outcomes, greater labor force participation rate, increased employment rates, improved health

and decreased levels of poverty and crime. The negative impact on these linkages is most evident in the absence of high school completion;

(3) Dropping out of school is a process, not an event, with factors building and compounding over time;

(4) Students at risk of not completing high school can be identified as early as sixth grade using the indicators of attendance, behavior and course failures. Therefore, a comprehensive graduation plan must include a comprehensive systemic approach that emphasizes early interventions;

(5) Research identifies a number of effective strategies for engaging students that have the most positive impact on improving high school graduation rates. Some of these strategies are school-community collaboration, safe learning environments, family engagement, early literacy development, mentoring and tutoring services, service learning opportunities, alternative and nontraditional schooling, offering multiple pathways and settings for attaining high school diplomas, after-school opportunities, individualized instruction and career and technical education;

(6) Schools cannot solve the dropout problem alone. Research shows when educators, parents, elected officials, business leaders, faith-based leaders, human service personnel, judicial personnel and civic leaders collectively work together they are often able to find innovative solutions to address school and community problems; and

(7) Increasing high school graduation rates is an important factor in preparing a college and career-ready citizenry. Higher education institutions, including community and technical colleges, are essential partners in creating local and statewide solutions.

(b) Therefore, the intent of the Legislature is to provide a separate category of innovation zones designated Local Solution

Dropout Prevention and Recovery Innovation Zones intended to achieve the following purposes:

(1) Provide for the establishment of Local Solution Dropout Prevention and Recovery Innovation Zones to increase graduation rates and reduce the number of dropouts from West Virginia schools;

(2) Provide schools and communities with opportunities for greater collaboration to plan and implement systemic approaches that include evidence-based solutions for increasing graduation rates and reducing the number of dropouts;

(3) Provide a testing ground for innovative graduation programs, incentives and approaches to reducing the number of dropouts;

(4) Provide information regarding the effects of specific innovations, collaborations and policies on graduation rates and dropout prevention and recovery; and

(5) Document educational strategies that increase graduation rates, prevent dropouts and enhance student success.

(c) *Local Solution Dropout Prevention and Recovery Innovation Zones.* –

A school, a group of schools or a school district may be designated as a Local Solution Dropout Prevention and Recovery Innovation Zone in accordance with the provisions of this article, subject to the provisions of this section. The state board shall propose rules for legislative promulgation, including an emergency rule if necessary, in accordance with article three-b chapter twenty-nine of this code to implement the provisions of this section. All provisions of this article apply to Local Solution Dropout Prevention and Recovery Innovation Zones, including, but not limited to, the designation, application, approval, waiver of statutes, policies, rule and

interpretations, employee approval, employee transfers, progress reviews, reports and revocations and job postings, subject to the following:

(1) For purposes of this section, a “school, a group of schools or a school district” means a high school, a group of schools comprised of a high school and any of the elementary and middle schools whose students will attend the high school, or a school district whose graduation rate in the year in which an application is made is less than ninety percent based on the latest available school year data published by the Department of Education;

(2) The contents of the application for designation as a Local Solution Dropout Prevention and Recovery Innovation Zone must include a description of the dropout prevention and recovery strategies and that the school, group of schools or school district plans to implement if designated as a Local Solution Dropout Prevention and Recovery Innovation Zone, and any other information the state board requires. The application also shall include a list of all county and state board rules, policies and interpretations, and all statutes, if any, identified as prohibiting or constraining the implementation of the plan, including an explanation of the specific exceptions to the rules, policies and interpretations and statutes required for plan implementation. A school, a group of schools, or school district may not request an exception nor may an exception be granted from any of the following:

(i) An assessment program administered by the West Virginia Department of Education;

(ii) Any provision of law or policy required by the No Child Left Behind Act of 2001, Public Law No. 107-110 or other federal law; and

(iii) Section seven, article two and sections seven-a, seven-b, eight and eight-b, article four, chapter eighteen-a of this code, except as provided in section eight of this article;

(3) The factors to be considered by the state board when evaluating an application shall include, but are not limited to, the following:

(A) Evidence that other individuals or entities and community organizations are involved as partners to collectively work with the applicant to achieve the purposes as outlined in the dropout prevention and recovery plan. These individuals or entities and community organizations may include, but are not limited to, individuals or entities and community organizations such as parents, local elected officials, business leaders, faith-based leaders, human service personnel, judicial personnel, civic leaders community and technical colleges Higher education institutions;

(B) The level of commitment and support of staff, parents, students, the county board of education, the local school improvement council and the school's business partners as determined in accordance with this article apply to become a Local Solutions Dropout Prevention and Recovery Innovation Zone;

(C) The potential for an applicant to be successful in building community awareness of the high school dropout problem and developing and implementing its dropout prevention and recovery plan; and

(D) Implementation of the statewide system of easily identifiable early warning indicators of students at risk of not completing high school developed by the state board in accordance with section six, article eight of this chapter, known as The High School Graduation Improvement Act, along with a plan of interventions to increase the number of students earning a high school diploma;

(4) The rule shall provide standards for the state board to review applications for designation as a Local Solutions Dropout Prevention and Recovery Innovation Zones;

(5) The application for designation as a Local Solutions Dropout Prevention and Recovery Innovation Zone under this section is

subject to approval in accordance with sections five and six of this article. In addition to those approval stages, the application, if approved by the school employees, shall be presented to the local school improvement council for approval prior to submission to county superintendent and board. Approval by the local school improvement council is obtain when at least eighty percent of the local school improvement council members present and voting after a quorum is established vote in favor of the application; and

(6) Upon approval by the state board and state superintendent of the application, all exceptions to county and state board rules, policies and interpretations listed within the plan are granted. The applicant school, group of schools or school district shall proceed to implement the plan as set forth in the approved application and no further plan submissions or approval are required, except that if an innovation zone plan, or a part thereof, may not be implemented unless an exception to a statute is granted by Act of the Legislature, the state board and state superintendent may approve the plan, or the part thereof, only upon the condition that the Legislature acts to grant the exception as provided in this article.

(d) A county board that enters into a truancy program agreement with the circuit court of the county that: (1) Provides for the referral of truant juveniles for supervision by the court's probation office pursuant to section eleven, article five, chapter forty-nine of this code; and (2) requires the county board to pay the costs of the probation officer or officers assigned to supervise truant juveniles, may apply to the state board for a dropout prevention and recovery innovation zone grant for reimbursement of one half of the costs of the probation officer or officers. This application is not subject to any of the requirements for other applications under this section. The state board shall coordinate the application deadlines and grant approvals under this section to ensure funding for this purpose. If the funds available are insufficient to award all eligible grant applications at the full amount, the award amounts shall be reduced pro rata.

(~~d~~) (e) *Local Solutions Dropout Prevention and Recovery Fund.* –

There is hereby created in the State Treasury a special revenue fund to be known as the Local Solutions Dropout Prevention and Recovery Fund. The fund shall consist of all moneys received from whatever source to further the purpose of this article. The fund shall be administered by the state board solely for the purposes of this section. Any moneys remaining in the fund at the close of a fiscal year shall be carried forward for use in the next fiscal year. Fund balances shall be invested with the state's consolidated investment fund and any and all interest earnings on these investments shall be used solely for the purposes that moneys deposited in the fund may be used pursuant to this section.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 623—A Bill to amend and reenact §18-5B-11 of the Code of West Virginia, 1931, as amended, relating to dropout prevention and recovery innovation zone grants for truancy probation; providing eligibility and purpose of grant; exempting applications from other requirements of section; providing for coordination of deadlines and approvals; and requiring prorata reduction of awards if funds insufficient.

On motion of Senator Unger, the Senate refused to concur in the foregoing House amendments to the bill (Eng. S. B. No. 623) and requested the House of Delegates to recede therefrom.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution No. 10, Requesting DOH name bridge in Lincoln County “Shelton Topping Bridge”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution No. 15, Requesting DOH name Logan County Route 5/12 “Army Private First Class Troy Franklin Tomblin Memorial Highway”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution No. 20, Requesting DOH name portion of State Route 80 in McDowell County “Army PFC Phill G. McDonald Memorial Highway”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution No. 29, Requesting DOH name bridge number 20-64-54.37 “Army Cpl. Kenneth R. Hess Bridge”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 30, Requesting DOH name bridge in Wyoming County “Army SP4 Jackie (Hearn) McMillion Memorial Bridge”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 32, Requesting DOH name bridge in Monongalia County “U. S. Army and Air National Guard Col. Garry L. Bowers-Ices Ferry Bridge”.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2014—A Bill making appropriations of public money out of the Treasury in accordance with section fifty-one, article VI of the Constitution.

At the request of Senator Unger, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Unger, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

The bill (Eng. Com. Sub. for H. B. No. 2014) was then read a second time.

On motion of Senator Prezioso, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the provisions of Engrossed Committee Substitute for Senate Bill No. 143.

The bill, as amended, was then ordered to third reading.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 2014) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Barnes—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2014) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Barnes—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2014) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2453, Expanding the Amber Alert Plan; “SKYLAR’S LAW”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2497, Requiring applicants for real estate licensure to undergo criminal history record checks.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect from passage, of

Eng. House Bill No. 2542, Relating to publication of the State Register.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

Eng. Com. Sub. for House Bill No. 2554, Providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect from passage, of

Eng. House Bill No. 2586, Relating to qualifications for a license to practice embalming.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect from passage, of

Eng. Com. Sub. for House Bill No. 2603, Relating to the Family Protection Services Board.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2913, Specifying procedures for adjusting payments to correct for an erroneous distribution of moneys dedicated, distributed or directed to a state or local governmental subdivision.

A message from The Clerk of the House of Delegates announced concurrence with the Senate in making effective July 1, 2013, of

Eng. House Bill No. 2968, Authorizing the use of an additional medium for use in archiving the records.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2979, Relating to broadband deployment projects.

A message from The Clerk of the House of Delegates announced that that body had refused to recede from its amendments, and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for Senate Bill No. 265, Authorizing DHHR promulgate legislative rules.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Poore, Fleischauer and Sobonya.

On motion of Senator Unger, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Kessler (Mr. President) appointed the following conferees on the part of the Senate:

Senators Jenkins, Cookman and Cole.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced that that body had refused to recede from its amendments, and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for Senate Bill No. 386, Relating to personal safety orders.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Fleischauer, Manchin and Shott.

On motion of Senator Unger, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Kessler (Mr. President) appointed the following conferees on the part of the Senate:

Senators Miller, Cookman and Nohe.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

At the request of Senator Unger, unanimous consent being granted, Senator Unger addressed the Senate regarding today's anticipated procedure.

At the request of Senator Unger, and by unanimous consent, the Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 143, Budget Bill.

On third reading, coming up in regular order, was reported by the Clerk.

On motion of Senator Unger, the bill was recommitted to the Committee on Finance.

Eng. House Bill No. 2158, Relating to the provision of financially-related services by banks and bank holding companies.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2158) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2265, Relating to the school access safety act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2265) passed.

At the request of Senator Plymale, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the title of the bill was withdrawn.

On motion of Senator Stollings, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2265—A Bill to amend and reenact §18-9F-9 of the Code of West Virginia, 1931, as amended,

relating to requiring protocols for injuries and other medical emergencies on school property after normal school hours be included in school crisis response plans by certain date; including certain provisions for protocols on sports injuries; limiting liability for health care professionals who provide medical services with no remuneration; and removing outdated provisions related to rule promulgation.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2352, Clarifying that the West Virginia Department of Environmental Protection does not assume a mine operator's obligations or liabilities under the Water Pollution Control Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2352) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2352—A Bill to amend and reenact §22-3-11 of the Code of West Virginia, 1931, as amended, relating generally to bonding and special reclamation tax for coal mining permits; and providing tax incentives for mine operators who reclaim bond forfeiture sites.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2360, Relating to public school support computation of local share.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2360) passed.

At the request of Senator Plymale, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the title of the bill was withdrawn.

On motions of Senators Plymale and Sypolt, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2360—A Bill to amend and reenact §11-1C-5b of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9A-11 of said code, all relating to calculating local share for the purpose of public school support; clarifying effective date; modifying annual deadline for the Tax Commissioner to calculate the total assessed values for the purpose of calculating local share for each county and report the total assessed values to the State Board of Education; requiring actual assessed values to be used for the purposes of calculating local share for the first tax year a county's assessments are below the required level; requiring the Property Valuation Training and Procedures Commission to notify the county assessor that assessments are below the required level; requiring the use of assumed assessed values for the second consecutive year and consecutive years thereafter that assessments are below the required level; and requiring the use of projections or estimations for required preliminary computations of local share.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2360) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 2434, Relating to compensation in the magistrate court system.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2434) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. House Bill No. 2434—A Bill to amend and reenact §50-1-3, §50-1-8, §50-1-9 and §50-1-9a of the Code of West Virginia, 1931, as amended, all relating to adjusting the population line upon which salaries for magistrates and certain magistrate employees are calculated; adjusting certain salaries; providing an effective date; and providing that the amendments are retroactive to January 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 2469, Increasing the cap on earnings during temporary reemployment after retirement.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2469) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2470, Relating to sign support specialist or an educational sign language interpreter in the education of exceptional children.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2470) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2470) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2490, Providing for the appointment of veterans advocates at state institutions of higher education.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale,

Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2490) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2491, Establishing a uniform policy for students enrolled in institutions of higher education who are called up for duty in the military.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2491) passed.

At the request of Senator Wells, as chair of the Committee on Military, and by unanimous consent, the unreported Military committee amendment to the title of the bill was withdrawn.

The following amendment to the title of the bill, from the Committee on Education, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2491—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-4-10, relating to providing for uniform course completion for certain higher education students performing certain military service; requiring the Higher Education Policy Commission and the West Virginia Council for Community and Technical College Education to promulgate a joint rule; setting forth elements the rule is to address; and providing a definition for the term “called to military duty”.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2498, Making it a crime for a person sitting on a grand jury to disclose the identity of an individual who will be indicted.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On this question, the yeas were: Edgell, Fitzsimmons, Laird, Palumbo, Prezioso, Snyder, Unger, Wells and Kessler (Mr. President)—9.

The nays were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Facemire, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, McCabe, Miller, Nohe, Plymale, Stollings, Syptolt, Tucker, Walters, Williams and Yost—25.

Absent: None.

So, a majority of all the members present and voting not having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2498) rejected.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2513, Improving enforcement of drugged driving offenses.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2513) passed.

At the request of Senator Palumbo, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

On motion of Senator Palumbo, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2513—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two

new sections, designated §17C-1-67 and §17C-1-68; to amend and reenact §17C-5-4, §17C-5-6, §17C-5-7, §17C-5-8 and §17C-5-9 of said code; and to amend said code by adding thereto a new section, designated §17C-5-12, all relating to the enforcement of laws prohibiting the operation of a motor vehicle, motorboat, jetski or other motorized vessel while under the influence of alcohol, controlled substance or drugs generally; defining “drug” and “controlled substance”; correcting reference to period of license suspension for failure to submit to certain tests to provide consistency with other provisions of law; authorizing law-enforcement agencies to designate more than one secondary chemical test to be administered; maintaining the exception to a license revocation for the refusal to submit to a blood test; requiring training of law-enforcement officers; including controlled substances and drugs in blood test administration procedures; providing the drugs or classes of drug to be included in a chemical analysis; requiring the Bureau for Public Health to prescribe minimum levels of substance or drugs in order to be admissible; authorizing emergency rules; requiring the Bureau for Public Health to review current methods and standards; requiring a blood specimen to test for controlled substances or drugs to be taken within four hours of arrest; prohibiting testing results to be used as evidence in a criminal prosecution for the possession of a controlled substance; providing that refusal to provide a blood sample may be admissible in a criminal prosecution for operation of a motor vehicle while under the influence of alcohol, controlled substance or drugs; eliminating urine test as a possible secondary chemical test; and requiring the Bureau for Public Health to report to the Legislature.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2531, Relating to the practice of speech-language pathology and audiology.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2531) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2531—A Bill to amend and reenact §30-32-1, §30-32-2, §30-32-3, §30-32-4, §30-32-5, §30-32-6, §30-32-7, §30-32-8, §30-32-9, §30-32-10, §30-32-11, §30-32-12, §30-32-13, §30-32-14, §30-32-15, §30-32-16, §30-32-17, §30-32-18, §30-32-19, §30-32-20 and §30-32-21 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §30-32-22 and §30-32-23, all relating to the Board of Examiners of Speech-Language Pathology and Audiology; setting forth unlawful acts; providing exemptions; specifying applicability of other law; providing definitions; continuing the Board of Examiners for Speech-Language Pathology and Audiology; specifying qualifications of board members; providing terms and conditions of board members' service; providing for election of board officers; providing for compensation and expense reimbursement of board members; setting forth powers and duties of the board; providing rule-making authority; continuing the Board of Examiners for Speech-Language Pathology and Audiology Fund; providing qualifications for practicing speech-language pathology or

audiology; providing for provisional licenses to practice while attaining required postgraduate professional experience; providing for waiver of requirements for persons who hold a license from another state with substantially equivalent standards; providing for practice pending disposition of application; providing scopes of practice for speech-language pathology and audiology; requiring speech-language pathology assistants and audiology assistants to register with the board; providing registration and supervision requirements for speech-language pathology assistants and audiology assistants; authorizing telepractice; providing conditions and requirements for telepractice; providing for renewal of licenses and registrations; providing for renewal of lapsed licenses and registrations; providing for the suspension, revocation and refusal to renew licenses and registrations; providing for the reinstatement of revoked licenses and registrations; authorizing actions to enjoin violations; providing for the investigation of complaints; setting forth complaint procedures and hearing procedures; establishing grounds for disciplinary actions; providing for rights of appeal and judicial review; providing that a single act is sufficient to justify disciplinary action; providing for criminal proceedings; providing for criminal penalties; and requiring the Legislative Auditor to present a report to the Joint Standing Committee on Government Organization on the requirements for speech-language pathologists, audiologists and assistants to practice in public schools.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2531) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2534, Relating to the regulation of pawn brokers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Boley, Cann, Chafin, Cookman, Edgell, Facemire, Fitzsimmons, Jenkins, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—25.

The nays were: Barnes, Blair, Carmichael, Cole, Green, D. Hall, M. Hall, Nohe and Walters —9.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2534) passed.

At the request of Senator Snyder, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the title of the bill was withdrawn.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2534—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-26-1, §47-26-2, §47-26-3 and §47-26-4, all relating to the regulation of pawn brokers; defining terms; requiring transaction records; creating offenses; specifying misdemeanor criminal penalty for violations; requiring record retention; and allowing for additional local regulation by municipalities or counties.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2538, Expiring, supplementing, amending, increasing, and adding items of appropriation in various accounts.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2538) passed.

The following amendment to the title of the bill, from the Committee on Finance, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2538—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2013, in the amount of \$5,500,000 from the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, activity 236, and in the amount of \$1,500,000 from the State Election Commission, Supreme Court Public Campaign Financing Fund, fund 1690, fiscal year 2013, organization 1601, and in the amount of \$2,500,000 from the Department of Administration, Office of the Secretary, State Employee Sick Leave Fund, fund 2045, fiscal year 2013, organization 0201, and in the amount of \$18,317,356.29 from the Department of Administration, Education, Arts, Sciences and Tourism Debt Service Fund, fund 2252, fiscal year 2013, organization 0211, and in the amount of \$3,800,000 from the Department of Administration, Division of General Services, 2004 Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2013, organization 0211, and in the amount of \$8,000,000 from the Department of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund, fund 2367, fiscal year 2013, organization 0218, and in the amount of \$5,000,000 from the West Virginia Health Care Authority, Health Care Cost Review Fund, fund 5375, fiscal year 2013, organization 0507, and in the amount of \$2,000,000 from the Department of Health and Human Resources, Division of Human Services, Low Income Energy Assistance Program Fund, fund 5081, fiscal year 2013, organization 0511, and in the amount of \$4,600,000 from the Department of Revenue, State Budget Office, Public Employees Insurance Reserve Fund, fund 7400, fiscal year 2013, organization 0703, and in the amount of \$24,500,000 from the Department of Revenue, Insurance Commissioner, Insurance Commission Fund, fund 7152, fiscal year 2013, organization 0704, and in the amount of \$14,736,022 from the Department of Revenue, Lottery Commission, Revenue Center Construction Fund, fund 7209, fiscal year 2013, organization 0705, and in the amount of \$3,000,000 from the Public Service Commission, fund 8623, fiscal year 2013, organization 0926, 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 Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2013, organization 0100, to the Department of Administration, Division of Finance, fund 0203, fiscal year 2013, organization 0209, to the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2013, organization 0307, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2013, organization 0310, to the Department of Education and the Arts, Office of the Secretary, fund 0294, fiscal year 2013, organization 0431, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2013, organization 0506, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2013, organization 0511, to the Department of Military Affairs and Public Safety - Office of the Secretary, fund 0430, fiscal year 2013, organization 0601, to the Department of Military Affairs and Public Safety, Division of Corrections -Correctional Units, fund 0450, fiscal year 2013, organization 0608, to the West Virginia Council for Community and Technical College Education - Control Account, fund 0596, fiscal year 2013, organization 0420, and to the Higher Education Policy Commission - Control Account, fund 0586, fiscal year 2013, organization 0442, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013.

WHEREAS, The Legislature finds that the account balances in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, activity 236, the State Election Commission, Supreme Court Public Campaign Financing Fund, fund 1690, fiscal year 2013, organization 1601, the Department of Administration, Office of the Secretary, State Employee Sick Leave Fund, fund 2045, fiscal year 2013, organization 0201, the Department of Administration, Education, Arts, Sciences and Tourism Debt Service Fund, fund 2252, fiscal year 2013, organization 0211, the Department of Administration, Division of General Services, 2004 Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2013, organization 0211, the Department

of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund, fund 2367, fiscal year 2013, organization 0218, the West Virginia Health Care Authority, Health Care Cost Review Fund, fund 5375, fiscal year 2013, organization 0507, the Department of Health and Human Resources, Division of Human Services, Low Income Energy Assistance Program Fund, fund 5081, fiscal year 2013, organization 0511, the Department of Revenue, State Budget Office, Public Employees Insurance Reserve Fund, fund 7400, fiscal year 2013, organization 0703, the Department of Revenue, Insurance Commissioner, Insurance Commission Fund, fund 7152, fiscal year 2013, organization 0704, the Department of Revenue, Lottery Commission, Revenue Center Construction Fund, fund 7209, fiscal year 2013, organization 0705, the Public Service Commission, fund 8623, fiscal year 2013, organization 0926, exceed that which is necessary for the purposes for which the accounts were established; and

WHEREAS, The Governor submitted to the Legislature the Executive Budget document, dated February 13, 2013, which included a Statement of the State Fund, General Revenue, setting forth therein the cash balance as of July 1, 2012, and further included the estimate of revenues for the fiscal year 2013, less net appropriation balances forwarded and regular appropriations for the fiscal year 2013; and

WHEREAS, It appears from the Executive Budget document, Statement of the State Fund, General Revenue, and this legislation, there now remains an unappropriated surplus balance in the State Treasury which is available for appropriation during the fiscal year ending June 30, 2013; therefore

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder,

Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2538) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 2541, Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Department of Health and Human Resources, Division of Human Services.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2541) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2541) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

Eng. Com. Sub. for House Bill No. 2567, Relating to limited partnerships.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2567) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2571, Relating to who may serve as members of the environmental quality board.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: M. Hall—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2571) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2571—A Bill to amend and reenact §22B-3-1 of the Code of West Virginia, 1931, as amended, relating to the Environmental Quality Board; removing outdated language; providing that board members may serve on the board until their successor is appointed; permitting individuals who receive

a portion of income from state agencies, other than the Department of Environmental Protection, who hold or are applicants to hold certain environment permits to serve on the board; and prohibiting board members who are employed or have been employed by a state agency from voting on a matter concerning a permit issued to that agency.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: M. Hall—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2571) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2577, Relating to the practice of pharmacist care.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale,

Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2577) passed.

At the request of Senator Stollings, as chair of the Committee on Health and Human Resources, and by unanimous consent, the unreported Health and Human Resources committee amendment to the title of the bill was withdrawn.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2577—A Bill to repeal §30-5-1a, §30-5-1b, §30-5-2a, §30-5-3a, §30-5-5a, §30-5-5b, §30-5-6a, §30-5-7a, §30-5-7b, §30-5-7c, §30-5-9a, §30-5-10a, §30-5-12c, §30-5-14a, §30-5-14b, §30-5-16a, §30-5-16b, §30-5-16c and §30-5-22a of the Code of West Virginia, 1931, as amended; to amend and reenact §29-29-3 of said code; to amend and reenact §30-5-1, §30-5-2, §30-5-3, §30-5-4, §30-5-5, §30-5-6, §30-5-7, §30-5-8, §30-5-9, §30-5-10, §30-5-11, §30-5-12, §30-5-13, §30-5-14, §30-5-15, §30-5-16, §30-5-17, §30-5-18, §30-5-19, §30-5-20, §30-5-21, §30-5-22, §30-5-23, §30-5-24, §30-5-26, §30-5-27, §30-5-28 and §30-5-30 of said code; to amend said code by adding thereto six new sections, designated §30-5-25, §30-5-29, §30-5-31, §30-5-32, §30-5-33 and §30-5-34; to amend and reenact §60A-8-7 of said code; to amend and reenact §60A-10-3 of said code; and to amend and reenact §60A-10-5 of said code, all relating to pharmacy practice; prohibiting the practice of pharmacist care without a license; permitting a licensed practitioner to dispense in certain

settings; providing other applicable sections; providing definitions; providing for board composition and qualifications; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license, registration and permit requirements; establishing qualifications for licensure as a pharmacist and registration as a pharmacy technician; creating a scope of practice for pharmacists and pharmacy technicians; establishing requirements for a pharmacy intern to assist in practice of pharmacy care; creating a temporary permit; prohibiting the dispensing of prescription orders in absence of a practitioner-patient relationship; providing for reciprocal licensure; establishing renewal requirements; providing for exemptions from licensure; creating a special volunteer license; providing requirement to participate in collaborative pharmacy practice; providing for collaborative pharmacy practice agreements; providing requirements for dispensing generic drugs; requiring and authorizing registration of pharmacies; establishing for permit for mail-order pharmacies and the manufacturing of drugs; providing requirements of filling prescriptions; providing requirements for the display of a board authorization; establishing requirements for pharmacist-in-charge; setting forth limitations of the article; permitting the board to file an injunction; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing duty to warn; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; providing criminal offenses are to be reported to law enforcement; and updating internal references.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2577) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2590, Creating a public nonprofit corporation and governmental instrumentality to collectively address several environmental and economic development programs.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2590) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2590—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-21-1, §31-21-2, §31-21-3, §31-21-4, §31-21-5, §31-21-6, §31-21-7, §31-21-8, §31-21-9, §31-21-10, §31-21-11, §31-21-12, §31-21-13, §31-21-14, §31-21-15, §31-21-16, §31-21-17, §31-21-18, §31-21-19 and §31-21-20, all relating to authorizing the creation of a public nonprofit corporation and governmental instrumentality to facilitate the redevelopment of former commercial, industrial and mining properties subject to federal and state regulations because of contamination or pollution discharge; providing short title; declaring policy and purpose of article; defining terms; creating West Virginia Land Stewardship Corporation; requiring corporation to apply for recognition of nonprofit status; providing eligibility for properties to participate; stating certain tax requirements; setting forth powers and limitations of West Virginia Land Stewardship Corporation; providing for board of directors and composition of same; providing for creation of voluntary land stewardship program; providing for underwriting review of land stewardship program applicants; authorizing establishment of state certified sites program; setting forth minimum standards for certification under state certified sites program and assessment of fees therefor; authorizing establishment of voluntary state land bank program; prohibiting the transfer of certain liabilities to land bank by prior owner; permitting land stewardship corporation to preserve property value of properties held by land stewardship corporation; authorizing land bank to acquire, dispose or otherwise manage real property; providing requirements for handling of contaminated properties by land stewardship corporation; providing for liberal construction of article; authorizing the Department of Environmental Protection to investigate corporation activities and take necessary actions; exempting corporation from certain state and local taxes; specifying payments in lieu of tax and tax exemption for leased property; requiring corporation to notify certain county officials upon receipt of an application for a site to participate in the land bank program; requiring audits and biannual reports; providing procedure for dissolution of land stewardship corporation upon

completion of purpose and for disposal of properties possessed by the corporation; providing provision for conflict of interest of land stewardship corporation officers, employees and board members; stating preservation of sovereign immunity; and providing that obligations of land stewardship corporation are not obligations of the Department of Environmental Protection or the state.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2600, Creating resort area districts.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2600) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

At the request of Senator Miller, unanimous consent being granted, Senator Miller addressed the Senate regarding a meeting of the committee of conference on Engrossed Committee Substitute for Senate Bill No. 386.

The Senate resumed consideration of its third reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill No. 2689, Authorizing miscellaneous Boards and Agencies to promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2689) passed.

On motion of Senator Palumbo, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2689—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended

by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Board of Medicine to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia controlled substances monitoring program data base; 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 podiatrists; authorizing the Board of Optometry to promulgate a legislative rule relating to continuing education; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to practitioner requirements for controlled substances licensure and accessing the West Virginia controlled substances monitoring program database; 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 ephedrine and pseudoephedrine control; authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring; authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification; authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to renewal of licensure - qualifications for renewal; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to fees for services rendered by the Board and supplemental renewal fee for the center for nursing; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to practitioner requirements for accessing the West

Virginia controlled substances monitoring program database; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to the announcement of advanced practice; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice; authorizing the Secretary of State to promulgate a legislative rule relating to the Uniform Commercial Code; authorizing the Secretary of State to promulgate a legislative rule relating to administration of the address confidentiality program; authorizing the Secretary of State to promulgate a legislative rule relating to the regulation of political party headquarters financing; authorizing the Secretary of State to promulgate a legislative rule relating to the regulation of late registration; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the procedures, criteria and curricula for examination and licensure of barbers, cosmetologists, nail technicians, aestheticians and hair stylists; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to barber apprenticeships; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the operational standards for schools of barbering and beauty culture; 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 poultry litter and manure movement into primary poultry breeder rearing areas; authorizing the Board of Architects to promulgate a legislative rule relating to the registration of architects; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the Board; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia controlled substances monitoring program database; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to continuing education requirements; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the expanded duties of dental hygienists and dental assistants; authorizing the Hatfield-McCoy Regional

Recreation Authority to promulgate a legislative rule relating to rules for use of the facility; authorizing the Treasurer's Office to promulgate a legislative rule relating to the enforcement of the Uniform Unclaimed Property Act; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to the organization and operation and licensing of veterinarians; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to a schedule of fees; authorizing the Board of Social Work to promulgate a legislative rule relating to a fee schedule; authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the profession social work; authorizing the Board of Social Work to promulgate a legislative rule relating to applications; authorizing the Board of Social Work to promulgate a legislative rule relating to continuing education for social workers and providers; authorizing the Board of Social Work to promulgate a legislative rule relating to a code of ethics; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to the licensure of speech-pathology and audiology; and authorizing the Conservation Committee to promulgate a legislative rule relating to the operation of the West Virginia State Conservation Committee and conservation districts.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2689) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2716, Relating to the West Virginia Fairness in Competitive Bidding Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2716) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2717, Requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2717) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2717) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2727, Relating to the school aid formula.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2727) passed.

At the request of Senator Plymale, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the title of the bill was withdrawn.

The following amendment to the title of the bill, from the Committee on Finance, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2727—A Bill to amend and reenact §18-9A-7 and §18-9A-8a of the code of West Virginia, 1931, as amended, all relating to the school aid formula; adjusting the foundation school program allowance for transportation costs by limiting the ten percent additional percentage allowance for alternative fuel vehicles to school buses using compressed natural gas; providing for phased-in elimination of the additional percentage for bio-diesel as an alternative fuel; and adjusting the foundation allowance by reducing the maximum allocation for regional education service agencies (RESA).

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2727) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2730, Relating to the Real Estate Appraisal Board.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2730) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2731, Regulating the performance of health maintenance tasks by unlicensed personnel.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2731) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2731) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2733, Relating to hearings before the Office of Administrative Hearings.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2733) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2738, Relating to the Center for Nursing.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2738) passed.

At the request of Senator Stollings, as chair of the Committee on Health and Human Resources, and by unanimous consent, the unreported Health and Human Resources committee amendment to the title of the bill was withdrawn.

The following amendment to the title of the bill, from the Committee on Education, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2738—A Bill to repeal §30-7B8 of the Code of West Virginia, 1931, as amended; to amend and reenact §18C-3-2 and §18C-3-3 of said code; to amend said code by adding thereto a new section, designated §18C-3-4; and to amend and reenact §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6, §30-7B7 and §30-7B-9 of said code, all relating generally to administration of financial aid and higher education scholarship programs by the Higher Education Policy Commission; redesignating the Health Sciences Scholarship Program as the Health Science Service Program; expanding program eligibility and award amounts; redefining medically underserved areas; providing

state aid for certain students pursuing certain degrees; requiring a service commitment to state and setting forth alternatives to service; requiring legislative rules and specifying rule provisions; continuing Center for Nursing and placing it under supervision of the Higher Education Policy Commission; moving the Center for Nursing special revenue account to the Higher Education Policy Commission; updating provisions regarding funding of the special revenue account; updating the powers and duties of the Center for Nursing; reorganizing the center's board of directors, updating membership and powers and duties of the board; authorizing reimbursement for board members' actual and necessary expenses; requiring annual reports to the Legislative Oversight Commission on Health and Human Resources Accountability and the Legislative Oversight Commission on Education Accountability; providing for financial aid programs to benefit nurses who teach or practice in West Virginia; setting out minimum financial aid amounts for nurses; establishing conditions for receipt of financial aid for nursing students; providing for reimbursement by nursing students who fail to meet service requirements for receipt of financial aid; defining terms; deleting obsolete language and making technical changes.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2747, Relating to Open Governmental Proceedings.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2747) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2754, Relating to further defining a retailer engaging in business in this state for purposes of sales and use taxes.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2754) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2764, Relating to compulsory school attendance.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2764) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill No. 2770, Permitting dealers who sell fewer than eighteen new or used motor vehicles during a year to have their dealer licenses renewed.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2770) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill No. 2780, Relating generally to multidisciplinary team meetings for juveniles committed to the custody of the West Virginia Division of Juvenile Services.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2780) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. House Bill No. 2780—A Bill to amend and reenact §49-5D-3 and §49-5D-3c of the Code of West Virginia, 1931, as amended, all relating generally to multidisciplinary team meetings for

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EIGHTY-FIRST LEGISLATURE

Regular Sixty-Day (and Extended) Session, 2013

First Extraordinary Session, 2013

VOLUME III



NOTE: The third volume continues with Journal proceedings proper (page 2093) of April 13 through April 17, the date of final adjournment; followed by the Appendix consisting of remarks of members during the Regular and Extended Session, 2013; History of Bills and Resolutions of both houses considered by the Senate; a Topical Index of all Senate bills introduced; and the Index of the Official Journal.

The remainder of this volume consists of the Journal proceedings proper, together with the Appendix and Index for the same of the First Extraordinary Session (April 17-18) of the Eighty-First Legislature, 2013.



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juveniles committed to the custody of the West Virginia Division of Juvenile Services; requiring such meetings be held quarterly; authorizing the directors of detention centers to call such meetings in certain circumstances; requiring assessments be provided in all cases to the court and team members; and requiring that team members be notified that he or she may participate in team meetings electronically.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2805, Making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator M. Hall, unanimous consent being granted, further consideration of the bill was deferred until the conclusion of bills on today's third reading calendar.

Eng. House Bill No. 2814, Relating to human trafficking.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Palumbo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's third reading calendar, following consideration of Engrossed Committee Substitute for House Bill No. 2805, already placed in that position.

Eng. Com. Sub. for House Bill No. 2825, Relating to certain appointive state officers salaries.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Cann, Chafin, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—27.

The nays were: Boley, Carmichael, Cole, Cookman, M. Hall, Nohe and Walters —7.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2825) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2836, Allowing certain Commission on Special Investigations personnel the right to carry firearms.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2836) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2836) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2837, Amending various provisions of the Code affecting the Treasurer's Office.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2837) passed.

The following amendment to the title of the bill, from the Committee on Finance, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2837—A Bill to repeal §12-1-12c of the Code of West Virginia, 1931, as amended; to repeal §12-6B-1, §12-6B-2, §12-6B-3 and §12-6B-4 of said code; to amend and reenact §5-10B-13 of said code; to amend said code by adding thereto a new section, designated §5-10B-14; to amend and reenact §12-1-3, §12-1-8 and §12-1-11 of said code; to amend and reenact §12-2-2 and §12-2-3 of said code; to amend and reenact §12-3A-3 of said code; to amend said code by adding thereto a new section, designated §12-4-17; to amend and reenact §12-5-4 of said code; to amend and reenact §12-6A-1, §12-6A-2, §12-6A-3, §12-6A-4 and §12-6A-5, §12-6A-6 and §12-6A-7 of said code; to amend and reenact §12-6C-7 and §12-6C-9 of said code; to amend and reenact §33-3-14d of said code; and to amend and reenact §36-8-13 of said code, all relating to the state treasurer's office; authorizing the deferred compensation plan to accept qualified domestic relations orders; authorizing Roth accounts within the deferred compensation plan in accordance with the Internal Revenue Code; authorizing financial institutions to offer products in addition to certificates of deposit; updating references to investing authorities to include the Board of Treasury Investments; raising the amount of eligible deposits from \$100,000 to the amount insured by a federal agency; providing requirements to be eligible depositories; providing for conflicts of interest for applicants and employees of the Treasurer's office in connection with financial institutions; authorizing depositories to submit reports in an electronic format; changing the requirement that deposits are required within

twenty-four hours to one business day; changing the report to the Legislative Auditor for accounts outside the treasury from quarterly to an annual report; authorizing the Treasurer to determine the competitive bidding of banking, investment and related goods and services required for treasury operations; authorizing the Treasurer to develop procedures for storing, retaining and disposing of records for his or her office; ensuring the Director of the Division of Archives and History receives records with historical value; clarifying that the Treasurer is responsible for earnings received on securities, not just interest; consolidating the debt capacity division into the debt management division; providing legislative findings to acknowledge the importance of monitoring the debt of the state and its spending units; continuing Division of Debt Management as the central information source for debt issued by the state and its spending units; defining debt to include debentures, lease purchases, mortgages, securitizations and other types of obligations with specific amounts owed and payable on demand or on determinable dates; defining debt impact report, moral obligation bond, net tax supported debt and tax supported debt; defining spending unit; eliminating requirement for developing a long-term debt plan; authorizing the division to continuously evaluating debt and debt service requirements of the state and its spending units; authorizing the division to issue a debt impact report if requested by the Governor, Senate President or House of Delegates Speaker and that the report shall not restrict the Governor, Legislature or spending unit; requiring the division to monitor continuing disclosure requirements and post-issuance compliance issues; eliminating requirement that the debt management division provide staff for the debt capacity division; providing for reporting by the division and the spending units; requiring the division to prepare and issue the debt capacity report; authorizing the Treasurer to promulgate the rules in certain circumstances; altering the bond required for the Board of Treasury Investments from \$50 million to at least \$10 million, as set by the board; updating language pertaining to rating agencies to nationally recognized statistical rating organizations; permitting pools with weighted average maturity or duration of three hundred sixty-six days or more to invest in investment

grade corporate debt securities; authorizing investments in money market and other fixed income funds; providing that securities falling out of compliance with the code do not have to be sold if the investment manager and investment consultant recommend retention; satisfying amounts due to and from policemen's and firemen's pension and relief funds and the Teachers Retirement System; and authorizing transfer of moneys from the Unclaimed Property Trust Fund for payment to policemen's and firemen's pension and relief funds.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 2842, Clarifying that time-sharing plans, accommodations and facilities are subject to regulation by the Division of Land Sales and Condominiums.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2842) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill No. 2847, Relating to the collection of delinquent real property and personal property taxes.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2847) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

On motion of Senator Unger, the Senate recessed until 1:15 p.m. today.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Unger, and by unanimous consent, returned to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 1:27 p.m. today:

Eng. Com. Sub. for Senate Bill No. 386, Relating to personal safety orders.

At the request of Senator Unger, unanimous consent being granted, the Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill No. 2848, Providing the process for requesting a refund after forfeiture of rights to a tax deed.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2848) passed.

At the request of Senator Palumbo, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

On motion of Senator Palumbo, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2848—A Bill to amend and reenact §11A-3-18, §11A-3-27, §11A-3-28 and §11A-3-55 of the Code of the West Virginia, 1931, as amended, all relating generally to the sale of tax liens and nonentered, escheated and waste and unappropriated lands; providing the process for requesting a refund

after forfeiture of rights to a tax deed; clarifying deadlines for receipt of tax deeds and refunds related to failure to meet deadlines; modifying the requirements for petitioning to compel execution of a deed by the State Auditor; removing the provisions allowing judgment against the State Auditor for costs in the case of failure or refusal to execute a deed without reasonable cause; and providing for service of notice when mail is not deliverable to an address at the physical location of the property.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 2851, Establishing a one time audit cost amnesty program for local governments with delinquent audit costs.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2851) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill No. 2861, Relating to continued enrollment of at-risk student in public school.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2861) passed.

The following amendment to the title of the bill, from the Committee on Education, was reported by the Clerk and adopted:

Eng. House Bill No. 2861—A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended, relating to dual enrollment of at-risk student in public school and alternative program that meets certain conditions; making legislative findings; requiring approval of alternative programs by the State Board of Education; authorizing county superintendent to approve dual enrollment; providing conditions under which dual enrollment may be approved; eliminating required annual report on cooperation with Challenge Academy; and making technical changes.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire,

Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2861) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2888, Allowing members of a policemen's civil service commission to serve on other local boards and commissions.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2888) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 2897, Declaring certain claims against the state and its agencies to be moral obligations of the state.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2897) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2897) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill No. 2933, Providing notification to a prosecuting attorney of an offender's parole hearing and release.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2933) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. House Bill No. 2933—A Bill to amend and reenact §62-12-23 of the Code of West Virginia, 1931, as amended, relating to the Parole Board's duty to notify prosecuting attorneys and circuit judges of an offender's release and the grounds therefor.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 2956, Relating to resident brewers and brewpubs.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on yesterday, Friday, April 12, 2013, for further amendments to be received on third reading, was reported by the Clerk.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 16. NONINTOXICATING BEER.

§11-16-3. Definitions.

For the purpose of this article, except where the context clearly requires differently:

(1) “Brewer” or “manufacturer” means any person, firm, association, partnership or corporation manufacturing, brewing, mixing, concocting, blending, bottling or otherwise producing or importing or transshipping from a foreign country nonintoxicating beer or nonintoxicating craft beer for sale at wholesale to any licensed distributor.

(2) “Brewpub” means a place of manufacture of nonintoxicating beer owned by a resident brewer, subject to federal and state regulations and guidelines, a portion of which premises are designated for retail sales of nonintoxicating beer or nonintoxicating craft beer by the resident brewer owning the brewpub.

(3) “Class A retail license” means a retail license permitting the retail sale of liquor at a freestanding liquor retail outlet licensed pursuant to chapter sixty of this code.

(4) “Commissioner” means the West Virginia Alcohol Beverage Control Commissioner.

(5) “Distributor” means and includes any person jobbing or distributing nonintoxicating beer or nonintoxicating craft beer to retailers at wholesale and whose warehouse and chief place of business shall be within this state. For purposes of a distributor only, the term “person” means and includes an individual, firm, trust, partnership, limited partnership, limited liability company, association or corporation. Any trust licensed as a distributor or any trust that is an owner of a distributor licensee, and the trustee or other persons in active control of the activities of the trust relating to the distributor license, is liable for acts of the trust or its beneficiaries relating to the distributor license that are unlawful acts or violations of article eleven of this chapter notwithstanding the liability of trustees in article ten, chapter forty-four-d of this code.

(6) “Freestanding liquor retail outlet” means a retail outlet that sells only liquor, beer, nonintoxicating beer and other alcohol-related products, as defined pursuant to section four, article three-a, chapter sixty of this code.

(7) “Growler” means a glass ceramic or metal container or jug, capable of being securely sealed, utilized by a brewpub for purposes of off-premise sales of nonintoxicating beer or nonintoxicating craft beer for personal consumption not on a licensed premise and not for resale.

(7) (8) “Nonintoxicating beer” means all natural cereal malt beverages or products of the brewing industry commonly referred to as beer, lager beer, ale and all other mixtures and preparations produced by the brewing industry, including malt coolers and nonintoxicating craft beers with no caffeine infusion or any additives masking or altering the alcohol effect containing at least one half of one percent alcohol by volume, but not more than nine and six-tenths of alcohol by weight, or twelve percent by volume,

whichever is greater. ~~all of which are hereby declared to be nonintoxicating and the~~ The word “liquor” as used in chapter sixty of this code ~~shall not be construed to~~ does not include or embrace nonintoxicating beer nor any of the beverages, products, mixtures or preparations included within this definition.

(8) (9) “Nonintoxicating beer sampling event” means an event approved by the commissioner for a Class A retail licensee to hold a nonintoxicating beer sampling authorized pursuant to section eleven-a of this article.

(9) (10) “Nonintoxicating beer sampling day” means any days and hours of the week where Class A retail licensees may sell nonintoxicating beer pursuant to sub-section (a)(1), section eighteen of this article, and is approved, in writing, by the commissioner to conduct a nonintoxicating beer sampling event.

(10) (11) “Nonintoxicating craft beer” means any beverage obtained by the natural fermentation of barley, malt, hops or any other similar product or substitute and containing not less than one half of one percent by volume and not more than twelve percent alcohol by volume or nine and six-tenths percent alcohol by weight with no caffeine infusion or any additives masking or altering the alcohol effect.

(11) (12) “Original container” means the container used by the brewer at the place of manufacturing, bottling or otherwise producing nonintoxicating beer for sale at wholesale.

(12) (13) “Person” means and includes an individual, firm, partnership, limited partnership, limited liability company, association or corporation.

(13) (14) “Resident brewer” means any ~~person, firm, association, partnership, or corporation whose principal place of business is located within the state~~ brewer or manufacturer whose principal

place of business and manufacture is located within this state and whose volume of brewed or manufactured nonintoxicating beer or nonintoxicating craft beer self-distributed by such resident brewer in this state does not exceed 10 thousand barrels of such beer annually.

(14) (15) “Retailer” means any person selling, serving, or otherwise dispensing nonintoxicating beer and all products regulated by this article, including, but not limited to, ~~any malt cooler~~, malt coolers at his or her established and licensed place of business.

(15) (16) “Tax Commissioner” means the Tax Commissioner of the State of West Virginia or the commissioner’s designee.

§11-16-6. License in one capacity only; no connection between different licensees; when brewer may act as distributor; credit and rebates proscribed; brewpub.

(a) No person shall be licensed in more than one capacity under the terms of this article, and there shall be no connection whatsoever between any retailer, ~~or distributor~~, resident brewer or brewer, and no person shall be interested directly or indirectly through the ownership of corporate stock, membership in a partnership, or in any other way in the business of a retailer, if such person is at the same time interested in the business of a brewer, resident brewer or distributor. A resident brewer ~~whose place of brewing or manufacture is located within the State of West Virginia~~ may act as distributor ~~of his~~ in a limited capacity for his or her own product from such resident brewery, place of manufacture or bottling, but ~~must have a distributor’s license for distribution from a place other than the place of brewing or manufacture~~ a resident brewer is not permitted to act as a distributor as defined in section three of this article: *Provided*, That nothing in this article may prevent a resident brewer from using the services of licensed distributors

as specified in this article. A resident brewer or distributor may sell to a consumer for personal use and not for resale, draught beer in quantities of one-eighth, one-fourth and one-half barrels in the original containers. A resident brewer owning a brewpub may sell nonintoxicating beer or nonintoxicating craft beer produced by the brewpub in a sealed growler, cans or bottles for personal consumption off of a licensed premise and not for resale.

(b) It ~~shall be~~ is unlawful for any brewer, resident brewer, manufacturer or distributor to assist any retailer or for any retailer to accept assistance from any brewer, manufacturer or distributor any gifts or loans or forbearance of money or property of any kind, nature or description, or other thing of value or by the giving of any rebates or discounts of any kind whatsoever except as may be permitted by rule, regulation, or order promulgated by the commissioner in accordance with this article.

Notwithstanding paragraphs (a) and (b) above, a brewpub may ~~manufacture and~~ offer for retail sale nonintoxicating beer or nonintoxicating craft beer so long as the sale of the nonintoxicating beer or nonintoxicating craft beer is limited to the brewpub premises, except for up to two growlers per customer for personal consumption off of a licensed premises and not for resale.

On motion of Senator Palumbo, the following amendment to the Judiciary committee amendment to the bill (Eng. H. B. No. 2956) was next reported by the Clerk and adopted:

On page four, section three, by striking out all of subsection (14) and inserting in lieu thereof a new subsection, designated subsection (14), to read as follows:

(14) “Resident brewer” means any brewer or manufacturer of nonintoxicating beer or nonintoxicating craft beer whose principal place of business and manufacture is located in the State of West

Virginia and which does not brew or manufacture more than twenty-five thousand barrels of nonintoxicating beer or nonintoxicating craft beer annually, and does not self-distribute more than ten thousand barrels thereof in the State of West Virginia annually.

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

Having been engrossed, the bill (Eng. H. B. No. 2956) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2956) passed.

At the request of Senator Palumbo, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

On motion of Senator Palumbo, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill No. 2956—A Bill to amend and reenact §11-16-3 and §11-16-6 of the Code of West Virginia, 1931, as amended,

all relating to nonintoxicating beer distributorships and their licenses, resident brewers and brewpubs; expanding the definition of “person” for purposes of holding a nonintoxicating beer distributorship; allowing individuals, forms, trusts, partnerships, limited partnerships, limited liability companies, associations and corporations to hold a distributor’s license; clarifying and amending applicable definitions; clarifying certain requirements and operations relating to distribution and sales at brewpubs; allowing for the limited sale of nonintoxicating beer and nonintoxicating craft beer by brewpubs for personal consumption off premises and not for resale; amending definition of resident brewers; placing limit on amount of nonintoxicating beer and nonintoxicating craft beer that a resident brewer may self-distribute; and prohibiting addition or infusion of nonintoxicating beer or nonintoxicating craft beer with caffeine or any additives masking or altering alcohol effect.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 2964, Authorizing the mayor to appoint chiefs of police and deputy chiefs of police.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2964) passed.

At the request of Senator Snyder, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the title of the bill was withdrawn.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2964—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-10-1b, relating to the powers of mayors of Class III cities and Class IV towns or villages with paid police departments not subject to civil service; authorizing the mayor to appoint chief of police; and providing that a Class III city or Class IV town or village may provide by ordinance whether the appointed chief of police shall be reinstated to his or her previous rank following term as chief of police.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 3020, Improving boat dock and marina safety.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill No. 3020 pass?”

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 3020) passed.

At the request of Senator Laird, as chair of the Committee on Natural Resources, and by unanimous consent, the unreported Natural Resources committee amendment to the title of the bill was withdrawn.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 3020—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-9-1, §20-9-2, §20-9-3, §20-9-4, §20-9-5 and §20-9-6, all relating to boat dock and marina safety; defining terms; requiring certain signage at certain boat docks and marinas; requiring compliance with certain safety standards on electrical work and electrical wiring at certain boat docks and marinas; requiring certain work by certain certified electricians; establishing a date for compliance; requiring certain enforcement; providing rule-making authority and authorizing emergency rules; providing penalties for certain violations; and creating a misdemeanor offense for violation of certain sections.

PREAMBLE

THIS LEGISLATION SHALL BE KNOWN AS THE “MICHAEL CUNNINGHAM ACT”. WHEREAS, WEST VIRGINIA IS KNOWN FOR ITS BEAUTIFUL AND ABUNDANT WATERWAYS, LAKES AND RIVERS, WHICH PROVIDE A DRAW FOR TOURISM AND A BOOST FOR OUR ECONOMY; AND

WHEREAS, OUR WATERWAYS, LAKES AND RIVERS SHOULD BE A SAFE PLACE FOR CHILDREN AND FAMILIES TO ENJOY; AND

WHEREAS, THERE HAVE BEEN CASES RECENTLY WHERE CHILDREN HAVE DIED BECAUSE THE WATER WHERE THEY WERE SWIMMING WAS ELECTRIFIED BY THE UNGROUNDED AND IMPROPER CONNECTION OF ELECTRICITY TO BOAT DOCKS AND MARINAS; AND

WHEREAS, ELECTRICITY AND WATER CREATE A DEADLY COMBINATION THAT CAN PARALYZE A SWIMMER WHICH CAN RESULT IN THE SWIMMER DROWNING; AND WHEREAS, CHILDREN WHO ARE SWIMMING ARE PARTICULARLY VULNERABLE TO ELECTROCUTION AND SHOCK IN THE WATER; AND

WHEREAS, BRINGING BOAT DOCKS AND MARINAS UP TO THE NATIONAL FIRE PROTECTION ASSOCIATION AND NATIONAL ELECTRIC CODE STANDARDS FOR MARINAS AND BOATYARDS IS NECESSARY FOR THE PROTECTION AND SAFETY OF ALL OF THOSE WHO ENJOY OUR WATERWAYS, LAKES AND RIVERS FOR RECREATION AND TO PROTECT OUR TOURISM INDUSTRY.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senator Cann regarding the passage of Engrossed Committee Substitute for House Bill No. 3020 were ordered printed in the Appendix to the Journal.

Eng. House Bill No. 3043, Including methane monitoring equipment as eligible safety equipment for tax credit purposes.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 3043) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 3069, Relating to access to justice.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell,

Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 3069) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 3139, Authorizing qualified investigators employed by the Secretary of State to carry a firearm and concealed weapon.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 3139) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 3139—A Bill to amend and reenact §3-1A-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-3-3 of said code, all relating to qualified investigators employed by the Secretary of State or the Attorney General; authorizing the Secretary of State and Attorney General to allow qualified investigators to carry firearms while performing their official duties; establishing minimum training and certification requirements; and requiring qualified personnel to secure a license to carry a concealed weapon in accordance with the provisions of the code.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 3139) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill No. 3145, Removing the existing maximum quantities of beer that retailers can sell for off premises.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 3145) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 3157, Restoring the authority, flexibility, and capacity of schools and school systems to improve student learning.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 3157) passed.

At the request of Senator Plymale, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the title of the bill was withdrawn.

On motion of Senator Plymale, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 3157—A Bill to repeal §18-2-15, §18-2-15a, §18-2-18, §18-2-23, §18-2-30, §18-2-31, §18-2-36, §18-2-37 and §18-2-38 of the Code of West Virginia, 1931, as amended; to repeal §18-2E-3c and §18-2E-3d of said code; to repeal §18-5-40 of said code; to repeal §18-9-2b, §18-9-5, §18-9-7 and §18-9-8 of said code; to repeal §18-9A-3a, §18-9A-3b, §18-9A-13, §18-9A-13a, §18-9A-13b, §18-9A-25 and §18-9A-26 of said code; to repeal §18-9B-11 and §18-9B-16 of said code; to repeal §18A-3-2b of said code; to amend and reenact §18-2-5g of said code; to amend and reenact §18-5-45 of said code; to amend said code by adding thereto a new section, designated §18-8-6a; to amend and reenact §18-9A-10 of said code; and to amend and reenact §18-17-8 of said code, all relating to restoring the authority, flexibility and capacity of schools and school systems to improve student learning; eliminating requirement for biennial report on public schools and institutions; eliminating expired provisions for RESA study; eliminating expired provisions for study on staff fluctuations at certain schools; eliminating outdated provisions on comprehensive education program plans; eliminating requirement for statewide curriculum technology resource center; eliminating outdated provisions for automatic cost of living adjustment plan; eliminating outdated provisions for student learning abilities grant program; eliminating expired provisions on flood and property insurance study; eliminating expired provisions on study of school teams and committees; eliminating prescriptive summer reading

and math grant program provisions; eliminating provisions pilot program for operation on schools on semester basis; eliminating outdated provisions for transferring school funds from magisterial and independent school districts; eliminating outdated provisions related to the board of the school fund; eliminating outdated provisions related to supplemental aid to for districts with institutional home for orphans and homeless children; eliminating expired provisions for transition to new provisions on school finance; eliminating expired provisions for school finance in certain fiscal year; eliminating expired provisions for one-year transitional allocation appropriation for certain rural districts; eliminating expired provisions related to levies subsequent to passage of statewide uniform excess levy; eliminating inoperable provisions for legislative reserve fund; eliminating requirement for appropriation for teacher of the year salary; eliminating allowance for workers' compensation for unpaid work-based learning; eliminating outdated provisions related to board of school finance; eliminating provisions pertaining to proceeds of the permanent improvement fund; eliminating provisions related to beginning teacher internship; replacing requirement for annual summary and submission of certain county board policies with requirement for state board to review and evaluate certain reports and report to legislative oversight commission; modifying effective date for certain school calendar amendments; providing reimbursement in certain circumstances for county board costs of probation officers for truant juveniles; reducing percent of increase in local share added to allowance to improve instructional programs; requiring certain funds available for use for personnel to be used for only certain personnel subject to certain condition; increasing percent of increase in local share added for instructional technology purposes; changing purpose to county and school strategic improvement plans; changing method of allocation to counties; expanding provisions pertaining to suspension or dismissal of West Virginia Schools for the Deaf and the Blind teachers to include auxiliary and service personnel; and allowing the state board to employ a hearing examiner to preside at the taking of evidence.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 3157) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 3160, Providing for a pilot initiative on governance of schools jointly established by adjoining counties.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 3160) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 3161, Repealing section relating to additional fee to be collected for each marriage license issued.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 3161) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

The end of today's third reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for House Bill No. 2805, Making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program.

On third reading, coming up in deferred order, was again reported by the Clerk.

Senator Barnes requested unanimous consent to offer an amendment to the bill on third reading.

Which consent was not granted, Senator Wells objecting.

Senator Barnes then moved to amend the bill on third reading.

On this question, the yeas were: Barnes, Blair, Carmichael, Cole, Cookman, M. Hall, Nohe, Sypolt and Walters—9.

The nays were: Beach, Boley, Cann, Chafin, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—25.

Absent: None.

So, two thirds of all the members present and voting not having voted in the affirmative, the President declared the aforestated motion by Senator Barnes had not prevailed.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 2805) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—30.

The nays were: Barnes, Blair, M. Hall and Nohe—4.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2805) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Action as to Engrossed Committee Substitute for House Bill No. 2805 having been concluded, the Senate proceeded to the consideration of

Eng. House Bill No. 2814, Relating to human trafficking.

On third reading, coming up in deferred order, was again reported by the Clerk.

At the request of Senator Palumbo, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motion of Senator Palumbo, the following amendment to the bill was reported by the Clerk and adopted:

On page four, section seventeen, after line twenty-three, by adding the following:

No victim of human trafficking seeking relief under this subsection shall be required to prove he or she has rehabilitated himself or herself in order to obtain expungement.

The bill, as just amended, was ordered to third reading.

Having been engrossed, the bill (Eng. H. B. No. 2814) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2814) passed.

At the request of Senator Palumbo, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

On motion of Senator Palumbo, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill No. 2814—A Bill to amend and reenact §61-2-17 of the Code of West Virginia, 1931, as amended; relating to human trafficking; modifying definitions of human trafficking and sex trafficking of adults; authorizing civil cause of action and attorney fees for victims of human trafficking; specifying that a victim of human trafficking is a victim under the West Virginia Crime Victims Compensation Act; and providing a procedure for expunging certain prostitution convictions.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Unger, the Senate recessed until 3:15 p.m. today.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Unger, and by unanimous consent, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill No. 507, Relating to PERS and State Police Retirement System contribution rates.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page two, after the article heading, by inserting a new section, designated section eighteen-a, to read as follows:

§5-10-18a. Reinstatement of service credit for elected officials.

Notwithstanding any provision of this code to the contrary, the reelection of an elected official resulting in a new term of the same or a different office constitutes return to employment for purposes of reinstating previously withdrawn service authorized by section eighteen of this article.;

On page six, section five, after line forty-five, by adding a new section, designated section thirty-five-b, to read as follows:

CHAPTER 18. EDUCATION.

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-35b. Temporary early retirement incentives program; legislative declarations and findings; termination date.

Under the prior enactment of this section, the Legislature found and declared that a compelling state interest existed in providing a temporary, early retirement incentives program for encouraging the early, voluntary retirement of those public employees who were current, active, contributing members of this retirement system on April 1, 1988, in the reduction of the number of the employees and in reduction of governmental costs for the employees. The Legislature further found that maintaining an actuarially sound retirement fund is essential and that the reemployment in any manner, including reemployment on a contract basis, by the state of any person who retired under this section is contrary to the intent of the early retirement program and severely threatens the fiscal integrity of the retirement fund. The early retirement program under the prior enactment of this section, offered employees three retirement incentive options. Any person who retired under the provisions of the prior enactment of this section are subject to the restrictions contained in this section.

(a) For the purposes of this section: (1) "Contract" means any personal service agreement, not involving the sale of commodities, that cannot be performed within sixty days or for which the total compensation exceeds \$7,500 in any twelve-month period. The term "contract" does not include any agreement obtained by a retirant through a bidding process and which is for the furnishing of any commodity to a government agency; (2) "governmental entity" means the state of West Virginia; a constitutional branch or office of the state government, or any subdivision of state government; a county, city or town in the state; a county board of education; a separate corporation or instrumentality established pursuant to a state statute; any other entity currently permitted to participate in any state public retirement system or the public employees insurance agency; or any officer or official of any entity listed in this subsection who is acting in his or her official capacity; (3) "substitute teacher" means a teacher, public school librarian, registered professional nurse employed by the county board of education or any other person employed for counseling or instructional purposes in a public school in this state who is

temporarily fulfilling the duties of an existing person employed in a specific position who is temporarily absent from that specific position; and (4) “part-time elected or appointed office” means any elected or appointed office that compensates its members in an amount less than \$2,500 or requires less than sixty days of service in any twelve-month period.

(b) Any member who participated in the retirement incentive program under the prior enactment of this section is not eligible to accept further employment or accept, directly or indirectly, work on a contract basis from a governmental entity: *Provided*, That the executive director may approve, upon written request for good cause shown, an exception allowing a retirant to perform work on a contract basis: *Provided, however*, That a person may retire under this section and thereafter serve in an elective office: *Provided further*, That he or she shall not receive the incentive option he or she elected under the prior enactment of this section during the term of service in that office for which the total compensation exceeds \$7,500, but shall receive his or her annuity calculated on regular basis, as if originally taken not under the prior enactment of this section but on a regular basis. At the end of the term and cessation of service in the office, the incentive option resumes. In respect of an appointive office, as distinguished from an elective office, any person retiring under this section and thereafter serving in the appointive office for which the total compensation exceeds \$7,500 shall not receive the incentive option he or she elected under the prior enactment of this section during the term of service in that office, but the incentive option resumes during that period: *And provided further*, That at the end of the term and cessation of service in the appointive office the incentive option provided for under the prior enactment of this section resumes: *And provided further*, That any person elected or appointed to office by the state or any of its political subdivisions who waives whatever salary, wage or per diem compensation he or she may be entitled to by virtue of service in that office and who does not receive any income from service in that office except the reimbursement of out-of-pocket costs and expenses that are permitted by the statutes governing the office

shall continue to receive the incentive option he or she elected under this section. The service may not be counted as contributed or credited service for purposes of computing retirement benefits.

(c) If the elected or appointed office is a part-time elected or appointed office, a person electing retirement under this section may serve in the elective or appointive office with no loss of the benefits provided under the prior enactment of this section.

(d) Prior to the initiation or renewal of any contract for which the total compensation exceeds seven thousand five hundred dollars and entered into pursuant to this section or the acceptance of any elective or appointive office for which the total compensation exceeds seven thousand five hundred dollars, a person who has elected to retire under the early retirement provisions of the prior enactment of this section shall complete a disclosure and waiver statement executed under oath and acknowledged by a notary public. The board shall propose rules for promulgation, pursuant to article three, chapter twenty-nine-a of this code, regarding the form and contents of the waiver and disclosure statement. The disclosure and waiver statement shall be forwarded to the appropriate state public retirement system administrator who shall take action to ensure that the early retirement incentive option benefit is reduced in accordance with the provisions of this section. The administrator shall then certify that action in writing to the appropriate governmental entity.

(e) In any event, an eligible member who retired under the prior enactment of this section may continue to receive his or her incentive annuity and be employed as a substitute teacher, as adjunct faculty, as a school service personnel substitute, or as a part-time member of the faculty of southern West Virginia community college or West Virginia northern community college: *Provided*, That the board of directors determines that the part-time employment is in accordance with policies to be adopted by the board regarding adjunct faculty. For purposes of this section, a “part-time member of the faculty”

means an individual employed solely to provide instruction for not more than twelve college credits per semester.

(f) Any incentive retirants, under the prior enactment of this section, may not receive an annuity and enter or reenter any governmental retirement system established or authorized to be established by the state, notwithstanding any provision of the code to the contrary, unless required by constitutional provision.

(g) The additional annuity allowed for temporary early retirement is intended to be paid from the retirement incentive account created as a special account in the state treasury and from the funds in the special account established with moneys required to be applied or transferred by heads of spending units from the unused portion of salary and fringe benefits in their budgets accruing in respect to the positions vacated and subsequently canceled under this temporary early retirement program. Salary and fringe benefit moneys actually saved in a particular fiscal year constitute the fund source. No additional annuity shall be disallowed even though initial receipts may not be sufficient, with funds of the system to be applied for the purpose, as for the base annuity.

(h) The executive secretary of the retirement system shall file a quarterly report to the Legislature detailing the number of retirees who have elected to accept early retirement incentive options, the dollar cost to date by option selected, and the projected annual cost through the year two thousand.

(i) *Termination of temporary retirement incentives program.* – The right to retire under this section terminated on June 30, 1989.

(j) The benefits paid or received by any individual who has elected to retire and his or her continued right to receive any annuity under this the provisions of this section or article may not be reduced or affected by his or her election to public office after retirement. The options available for any such individual to receive compensation for elected office while continuing to receive

retirement annuities and benefits shall be determined pursuant to the provisions of section forty-eight, article ten, chapter five of this code. The provisions of this subsection shall be effective retroactively.;

By striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That §5-10-31 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto a new section, designated §5-10-18a; that §15-2A-5 of said code be amended and reenacted; and that §18-7A-35b of said code be amendment and reenacted, all to read as follows.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 507—A Bill to amend and reenact §5-10-31 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-10-18a; to amend and reenact §15-2A-5 of said code; and to amend and reenacted §18-7A35b of said code, all relating to retirement systems and benefits; clarifying the impact of reelection of an elected official for the purposes of reinstating previously withdrawn service; clarifying the impact of serving as an elected public official after taking certain early retirement options from the state teachers retirement system; retiring under from certain removing the requirement to set employer contribution rate for the Public Employees Retirement System and the State Police Retirement System by legislative rule; and clarifying funding rate which affects employee contribution rate in State Police Retirement System.

On motion of Senator Unger, the Senate refused to concur in the foregoing House amendments to the bill (Eng. S. B. No. 507) and requested the House of Delegates to recede therefrom.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced that that body had refused to recede from its amendments, and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Senate Bill No. 623, Relating to funding for probation officers to address truancy.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Stowers, Campbell and Pasdon.

On motion of Senator Unger, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Kessler (Mr. President) appointed the following conferees on the part of the Senate:

Senators Plymale, Chafin and Cole.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the sixth order of business, which agenda includes the making of main motions.

On motion of Senator Unger, the Senate requested the return from the House of Delegates of

Eng. Com. Sub. for House Bill No. 2805, Making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program.

Passed by the Senate in earlier proceedings today,

The bill still being in the possession of the Senate,

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2805) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

On motion of Senator Unger, the Senate requested the return from the House of Delegates of

Eng. Com. Sub. for House Bill No. 2738, Relating to the Center for Nursing.

Passed by the Senate in prior proceedings today,

The bill still being in the possession of the Senate,

On motion of Senator Unger, the Senate reconsidered its action by which in earlier proceedings today it adopted the Education

committee amendment to the title of the bill (*shown in the Senate Journal of today, pages 2088 and 2089*).

The question again being on the adoption of the Education committee amendment to the title of the bill.

Thereafter, at the request of Senator Plymale, as chair of the Committee on Education, and by unanimous consent, the Education committee amendment to the title of the bill was withdrawn.

On motion of Senator Unger, the Senate reconsidered the vote as to the passage of the bill (Eng. Com. Sub. for H. B. No. 2738).

The vote thereon having been reconsidered,

On motion of Senator Unger, the Senate reconsidered its action by which on yesterday, Friday, April 12, 2013, it adopted the Education committee amendment to the bill (*shown in the Senate Journal of that day, pages 1922 through 1935, inclusive*).

The question again being on the adoption of the Education committee amendment to the bill.

On motion of Senator Plymale, the following amendment to the Education committee amendment to the bill was reported by the Clerk and adopted:

On page nine, section four, by striking out all of subsection (c) and inserting in lieu thereof a new subsection, designated subsection (c), to read as follows:

(c) In consultation with the board of directors of the West Virginia Center for Nursing, established pursuant to article seven-b, chapter thirty of this code, the commission shall administer a financial aid program designed to benefit nurses who practice in hospitals and other health care institutions or teach in state nursing programs. Awards shall be made as follows, subject to the terms of the rule provided for in this section:

(A) An award of at least \$3,000 for a student in an approved LPN nursing program located in the state. The student shall be required to practice in West Virginia for at least one year;

(B) An award of at least \$7,500 for a student who has completed half of an approved RN nursing program located in West Virginia. A recipient shall be required to teach or practice in West Virginia for at least two years.

(C) An award of at least \$15,000 to a student in a nursing education master's degree program or doctoral student in an approved nursing program located in West Virginia who shall be required to teach in the state for at least two years.

The question now being on the adoption of the Education committee amendment to the bill, as just amended, the same was put and prevailed.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 2738) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2738) passed.

The following amendment to the title of the bill, from the Committee on Education, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2738—A Bill to repeal §307B-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §18C-3-2 and §18C-3-3 of said code; to amend said code by adding thereto a new section, designated §18C-3-4; and to amend and reenact §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6, §30-7B-7 and §30-7B-9 of said code, all relating generally to administration of financial aid and higher education scholarship programs by the Higher Education Policy Commission; redesignating the Health Sciences Scholarship Program as the Health Science Service Program; expanding program eligibility and award amounts; redefining medically underserved areas; providing state aid for certain students pursuing certain degrees; requiring a service commitment to state and setting forth alternatives to service; requiring legislative rules and specifying rule provisions; continuing Center for Nursing and placing it under supervision of the Higher Education Policy Commission; moving the Center for Nursing special revenue account to the Higher Education Policy Commission; updating provisions regarding funding of the special revenue account; updating the powers and duties of the Center for Nursing; reorganizing the center's board of directors, updating membership and powers and duties of the board; authorizing reimbursement for board members' actual and necessary expenses; requiring annual reports to the Legislative Oversight Commission on Health and Human Resources Accountability and the Legislative Oversight Commission on Education Accountability; providing for financial aid programs to benefit nurses who teach or practice in West Virginia; setting out minimum financial aid amounts for nurses; establishing conditions for receipt of financial aid for nursing students; providing for reimbursement by nursing students who fail to meet service requirements for receipt of financial aid; defining terms; deleting obsolete language; and making technical changes.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Without objection, the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect July 1, 2013, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill No. 82, Requiring rate-paying residential customer on public service board.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §16-13A-3 and §16-13A-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 13A. PUBLIC SERVICE DISTRICTS.

§16-13A-3. District to be a public corporation and political subdivision; powers thereof; public service boards.

From and after the date of the adoption of the order creating any public service district, it is a public corporation and political subdivision of the state, but without any power to levy or collect ad valorem taxes. Each district may acquire, own and hold property,

both real and personal, in its corporate name, and may sue, may be sued, may adopt an official seal and may enter into contracts necessary or incidental to its purposes, including contracts with any city, incorporated town or other municipal corporation located within or without its boundaries for furnishing wholesale supply of water for the distribution system of the city, town or other municipal corporation, or for furnishing storm water services for the city, town or other municipal corporation, and contract for the operation, maintenance, servicing, repair and extension of any properties owned by it or for the operation and improvement or extension by the district of all or any part of the existing municipally owned public service properties of any city, incorporated town or other municipal corporation included within the district: Provided, That no contract shall extend beyond a maximum of forty years, but provisions may be included therein for a renewal or successive renewals thereof and shall conform to and comply with the rights of the holders of any outstanding bonds issued by the municipalities for the public service properties.

The powers of each public service district shall be vested in and exercised by a public service board consisting of not less than three members who shall be persons residing within the district, who possess certain educational, business or work experience which will be conducive to operating a public service district. In the event the public service district is providing any utility service and billing rates and charges to its customers, at least one board member shall be a rate-paying residential customer of the public service district: Provided, That if an existing public service board does not have a member who is a rate-paying residential customer of the public service district on July 1, 2013, the next following appointment to the board shall be a rate-paying residential customer of that public service district. For purposes of this section, "rate-paying residential customer" means a person who:

(1) In the case of a water or sewer public service district, is physically connected to and actively receiving residential public service district utility services; or

(2) In the case of a storm water public service district, has storm water conveyed away from the residential property by a utility owned system; and

(3) Has an active account in good standing and is the occupier of the residential property which is on the public service district utility service account.

Each board member shall, within six months of taking office, successfully complete the training program to be established and administered by the Public Service Commission in conjunction with the ~~Division~~ Department of Environmental Protection and the Bureau for Public Health. Board members shall not be or become pecuniarily interested, directly or indirectly, in the proceeds of any contract or service, or in furnishing any supplies or materials to the district nor shall a former board member be hired by the district in any capacity within a minimum of twelve months after board member's term has expired or such board member has resigned from the district board. The members shall be appointed in the following manner:

Each city, incorporated town or other municipal corporation having a population of more than three thousand but less than eighteen thousand is entitled to appoint one member of the board, and each city, incorporated town or other municipal corporation having a population in excess of eighteen thousand shall be entitled to appoint one additional member of the board for each additional eighteen thousand population. The members of the board representing such cities, incorporated towns or other municipal corporations shall be residents thereof and shall be appointed by a resolution of the governing bodies thereof and upon the filing of a certified copy or copies of the resolution or resolutions in the office of the clerk of the county commission which entered the order creating the district, the persons so appointed become members of the board without any further act or proceedings. If the number of members of the board so appointed by the governing bodies of

cities, incorporated towns or other municipal corporations included in the district equals or exceeds three, then no further members shall be appointed to the board and the members so appointed are the board of the district except in cases of merger or consolidation where the number of board members may equal five.

If no city, incorporated town or other municipal corporation having a population of more than three thousand is included within the district, then the county commission which entered the order creating the district shall appoint three members of the board, who are persons residing within the district and residing within the State of West Virginia, which three members become members of the board of the district without any further act or proceedings except in cases of merger or consolidation where the number of board members may equal five.

If the number of members of the board appointed by the governing bodies of cities, incorporated towns or other municipal corporations included within the district is less than three, then the county commission which entered the order creating the district shall appoint such additional member or members of the board, who are persons residing within the district, as is necessary to make the number of members of the board equal three except in cases of merger or consolidation where the number of board members may equal five, and the member or members appointed by the governing bodies of the cities, incorporated towns or other municipal corporations included within the district and the additional member or members appointed by the county commission as aforesaid, are the board of the district. A person may serve as a member of the board in one or more public service districts.

The population of any city, incorporated town or other municipal corporation, for the purpose of determining the number of members of the board, if any, to be appointed by the governing body or bodies thereof, is the population stated for such city, incorporated town or other municipal corporation in the last official federal census.

Notwithstanding any provision of this code to the contrary, whenever a district is consolidated or merged pursuant to section two of this article, the terms of office of the existing board members shall end on the effective date of the merger or consolidation. The county commission shall appoint a new board according to rules promulgated by the Public Service Commission. Whenever districts are consolidated or merged no provision of this code prohibits the expansion of membership on the new board to five.

The respective terms of office of the members of the first board shall be fixed by the county commission and shall be as equally divided as may be, that is approximately one third of the members for a term of two years, a like number for a term of four years, the term of the remaining member or members for six years, from the first day of the month during which the appointments are made. The first members of the board appointed as aforesaid shall meet at the office of the clerk of the county commission which entered the order creating the district as soon as practicable after the appointments and shall qualify by taking an oath of office: *Provided*, That any member or members of the board may be removed from their respective office as provided in section three-a of this article.

Any vacancy shall be filled for the unexpired term within thirty days; otherwise successor members of the board shall be appointed for terms of six years and the terms of office shall continue until successors have been appointed and qualified. All successor members shall be appointed in the same manner as the member succeeded was appointed. The district shall provide to the Public Service Commission, within thirty days of the appointment, the following information: The new board member's name, home address, home and office phone numbers, date of appointment, length of term, who the new member replaces and if the new appointee has previously served on the board. The Public Service Commission shall notify each new board member of the legal obligation to attend training as prescribed in this section.

The board shall organize within thirty days following the first appointments and annually thereafter at its first meeting after January 1 of each year by selecting one of its members to serve as chair and by appointing a secretary and a treasurer who need not be members of the board. The secretary shall keep a record of all proceedings of the board which shall be available for inspection as other public records. Duplicate records shall be filed with the county commission and shall include the minutes of all board meetings. The treasurer is lawful custodian of all funds of the public service district and shall pay same out on orders authorized or approved by the board. The secretary and treasurer shall perform other duties appertaining to the affairs of the district and shall receive salaries as shall be prescribed by the board. The treasurer shall furnish bond in an amount to be fixed by the board for the use and benefit of the district.

The members of the board, and the chair, secretary and treasurer thereof, shall make available to the county commission, at all times, all of its books and records pertaining to the district's operation, finances and affairs, for inspection and audit. The board shall meet at least monthly.

§16-13A-4. Board chairman; members' compensation; procedure; district name.

(a) The chairman shall preside at all meetings of the board and may vote as any other member of the board. If the chairman is absent from any meeting, the remaining members may select a temporary chairman and if the member selected as chairman resigns as such or ceases for any reason to be a member of the board, the board shall select one of its members as chairman to serve until the next annual organization meeting.

(b) Salaries of the board members are:

(1) For districts with fewer than six hundred customers, up to \$75 \$100 per attendance at regular monthly meetings and \$50 \$75

per attendance at additional special meetings, total salary not to exceed ~~\$1,500~~ \$2,000 per annum;

(2) For districts with six hundred customers or more but fewer than two thousand customers, up to ~~\$100~~ \$125 per attendance at regular monthly meetings and ~~\$75~~ \$100 per attendance at additional special meetings, total salary not to exceed ~~\$2,500~~ \$3,250 per annum;

(3) For districts with two thousand customers or more, but fewer than four thousand customers, up to ~~\$125~~ \$150 per attendance at regular monthly meetings and ~~\$75~~ \$100 per attendance at additional special meetings, total salary not to exceed ~~\$3,750~~ \$4,500 per annum; and

(4) For districts with four thousand or more customers, up to ~~\$150~~ \$200 per attendance at regular monthly meetings and ~~\$100~~ \$150 per attendance at additional special meetings, total salary not to exceed ~~\$5,400~~ \$6,400 per annum.

The public service district shall certify the number of customers served to the Public Service Commission ~~beginning~~ on July 1 ~~1986,~~ and ~~continue~~ of each fiscal year. ~~thereafter.~~

(c) Public service districts selling water to other water utilities for resale or public service districts which provide sewer treatment for other sewer utilities may adopt the following salaries for its board members:

(1) For districts with annual revenues of less than \$50,000, up to ~~\$75~~ \$100 per attendance at regular monthly meetings and ~~\$50~~ \$75 per attendance at additional special meetings, total salary not to exceed ~~\$1,500~~ \$2,000 per annum;

(2) For districts with annual revenues of \$50,000 or more, but less than \$250,000, up to ~~\$100~~ \$125 per attendance at regular monthly meetings and ~~\$75~~ \$100 per attendance at special meetings, total salary not to exceed ~~\$2,500~~ \$3,250 per annum;

(3) For districts with annual revenues of \$250,000 or more, but less than \$500,000, up to ~~\$125~~ \$150 per attendance at regular monthly meetings and ~~\$75~~ \$100 per attendance at additional special meetings, total salary not to exceed ~~\$3,750~~ \$4,500 per annum; and

(4) For districts with annual revenues of \$500,000 or more, up to ~~\$150~~ \$200 per attendance at regular monthly meetings and ~~\$100~~ \$150 per attendance at additional special meetings, total salary not to exceed ~~\$5,400~~ \$6,400 per annum.

The public service district shall certify the number of customers served and its annual revenue to the Public Service Commission ~~beginning~~ on July 1 2000, ~~and continue~~ of each fiscal year. ~~thereafter.~~

(d) Board members may be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties as provided ~~for~~ by the rules of the board. Notwithstanding any other provision of this code to the contrary, board members are not eligible for salary payment or reimbursement for expenses incurred prior to the public service district initiating service to its first customer. Salary and reimbursement for expenses may be incurred only at meetings occurring after the public service district initiated service to customers.

(e) The board shall by resolution determine its own rules of procedure, fix the time and place of its meetings and the manner in which special meetings may be called. Public notice of meetings shall be given in accordance with section three, article nine-a, chapter six of this code. Emergency meetings may be called as provided ~~for~~ by ~~said~~ that section. A majority of the members constituting the board also constitute a quorum to do business.

(f) The members of the board are not personally liable or responsible for any obligations of the district or the board, but are answerable only for willful misconduct in the performance of their duties. The county commission which created a district or county

commissions if more than one created the district may, upon written request of the district, adopt an order changing the official name of a public service district: *Provided*, That ~~such~~ the name change will not be effective until approved by the Public Service Commission of West Virginia and the owners of any bonds and notes issued by the district, if any, shall have consented, in writing, to the name change.

If a district includes territory located in more than one county, the county commission or county commissions changing the name of the district shall provide any county commission into which the district also extends with a certified copy of the order changing the name of the district. The official name of any district created under the provisions of this article may contain the name or names of any city, incorporated town or other municipal corporation included therein or the name of any county or counties in which it is located.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 82—A Bill to amend and reenact §16-13A-3 and §16-13A-4 of the Code of West Virginia, 1931, as amended, all relating to public service district board membership; requiring a public service board to have at least one rate-paying residential customer of the public service district on the board; increasing the salary of public service district board members; clarifying when salary and expenses payments may be made; and adding sewer service to the salary schedule for public service districts which contract with others to provide service.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 82, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 82) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 82) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House

of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill No. 194, Repealing code relating to Medicaid program contract procedure.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §9-2-9b of the Code of West Virginia, as amended, be repealed; and to amend and reenact §9-2-6 of said code be amended and reenacted to read as follows:

**ARTICLE 2. COMMISSIONER OF HUMAN SERVICES;
POWERS, DUTIES AND RES-
PONSIBILITIES 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 ~~and empowered~~ 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 ~~such~~ 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 article two-e, chapter sixteen of this code by a licensed nurse midwife or midwife as this occupation is defined in section one, article fifteen, chapter thirty 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 ~~such~~ 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 article three, chapter five-a 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 article three, chapter five-a 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.

~~(5)~~ (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.

~~(6)~~ (7) Establish within the department an Office of Inspector General for the purpose of conducting and supervising investigations 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 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 article six, chapter twenty-nine of this code and rules promulgated thereunder. The Inspector General shall supervise all personnel of the Office of Inspector General.

~~(7)~~ (8) Provide at department expense a program of continuing professional, technical and specialized instruction for the personnel of the department.

~~(8)~~ (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 twelve months or for any movement other than from one place of employment in this state to another place of employment in this state.

~~(9)~~ (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 \$250.00 per claim.

~~(10)~~ (11) Establish and maintain such institutions as are necessary for the temporary care, maintenance and training of children and other persons.

~~(11)~~ (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.

~~(12)~~ (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.

~~(13)~~ (14) Provide by rules ~~such~~ 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.

~~(14)~~ (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.

~~(15)~~ (16) Provide locations for making applications for the various classes of public assistance.

~~(16)~~ (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.

~~(17)~~ (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.

~~(18)~~ (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.

(19) (20) Invoke any legal, equitable or special remedies for the enforcement of the provisions of this chapter.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 194—A Bill to repeal §9-2-9b of the Code of West Virginia, 1931, as amended; and to amend and reenact §9-2-6 of said Code, relating to contract procedures for Department of Health and Human Resources; providing that previous contracts awarded would remain in full force and effect; and eliminating Department of Health and Human Resources' exemption for contracts for the Medicaid program from purchasing requirements.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 194, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 194) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 194) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 200, Relating to Eyewitness Identification Act.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page fourteen, section three, line four, by striking out the word “section” and inserting in lieu thereof the word “article”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 200, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 200) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 202,
Creating WV Spay Neuter Assistance Program and Fund.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page three, section two, line three, after the words “Assistance Fund” by inserting the words “and administered by the Commissioner of Agriculture”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 202, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 202) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 250, Authorizing Department of Commerce promulgate legislative rules.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

**ARTICLE 10. AUTHORIZATION FOR BUREAU OF
COMMERCE TO PROMULGATE
LEGISLATIVE RULES.**

§64-10-1. Development Office.

The legislative rule filed in the Office of the Secretary of State, authorized under the prior enactment of section twenty-a, article thirteen-a, chapter eleven of this code, relating to the Development Office (use of coalbed methane severance tax proceeds, 145 CSR 13), is repealed.

§64-10-2. Broadband Deployment Council.

The legislative rule filed in the State Register on August 10, 2012, authorized under the authority of section four, article fifteen-c, chapter thirty-one of this code, modified by the Broadband Deployment Council to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 22, 2013, relating to the Broadband Deployment Council (broadband deployment grants programs, 208 CSR 1), is authorized.

**§64-10-3. Board of Miners Training, Education and
Certification.**

The legislative rule filed in the State Register on August 22, 2012, authorized under the authority of section six, article seven,

chapter twenty-two-a of this code, modified by the Board of Miners Training, Education and Certification to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 17, 2012, relating to the Board of Miners Training, Education and Certification (standards for certification of coal mine electricians, 48 CSR 7), is authorized.

§64-10-4. Division of Natural Resources.

(a) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section seven, article one, chapter twenty of this code, relating to the Division of Natural Resources (special boating, 58 CSR 26), is authorized.

(b) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section twenty-three, article seven, chapter twenty of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 18, 2012, relating to the Division of Natural Resources (special motorboating, 58 CSR 27), is authorized.

(c) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section seven, article one, chapter twenty of this code, relating to the Division of Natural Resources (defining the terms used in all hunting and trapping rules, 58 CSR 46), is authorized.

(d) The legislative rule filed in the State Register on July 19, 2012, authorized under the authority of section seven, article one, chapter twenty of this code, relating to the Division of Natural Resources (prohibitions when hunting and trapping, 58 CSR 47), is authorized.

(e) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section seven, article one, chapter twenty of this code, modified by the Division of Natural

Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 18, 2012, relating to the Division of Natural Resources (deer hunting, 58 CSR 50), is authorized.

(f) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section seven, article one, chapter twenty of this code, relating to the Division of Natural Resources (general trapping, 58 CSR 53), is authorized.

(g) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section seven, article one, chapter twenty of this code, relating to the Division of Natural Resources (special waterfowl hunting, 58 CSR 58), is authorized.

(h) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section seven, article one, chapter twenty of this code, relating to the Division of Natural Resources (special fishing, 58 CSR 61), is authorized.

(i) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section seven, article one, chapter twenty of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 31, 2012, relating to the Division of Natural Resources (falconry, 58 CSR 65), is authorized with the following amendments:

On page one, subsection 2.8., after the word “Falconiformes” by inserting a comma and the words “the Order Accipitriformes”;

On page one, after subsection 2.8., by inserting a new subsection 2.9. to read as follows:

2.9. “Passage” means a first-year raptor that is no longer dependent upon parental care.;

On page three, by striking out all of subsection 4.5. and inserting in lieu thereof a new subsection 4.5. to read as follows:

4.5. A permittee may use a falconry to take any bird species for which there is a depredation order in place in 50 CFR at any time in accordance with the conditions of the applicable depredation order. The permittee may not receive any compensation for depredation activities.;

On page four, subdivision 5.3.e., after the word “Falconiform” by inserting a comma and the word “Accipitriform”;

On page six, subdivision 7.2.a., by striking out the word “Alymeri” and inserting in lieu thereof the word “Aylmeri”;

On page eight, by striking out all of subsection 10.1. and inserting in lieu thereof a new subsection 10.1. to read as follows:

10.1. A raptor taken, possessed, transported or used for falconry purposes shall be marked with: a seamless, numbered band issued by the Division for captive-bred birds or a U. S. Fish and Wildlife Service permanent, non-reusable numbered band issued by the Division for birds originating from the wild. An ISO (International Organization for Standardization)-compliant (134.2 kHz) microchip may be implanted in addition to the band.;

On page eight, by striking out all of subsection 10.3. and inserting in lieu thereof a new subsection 10.3. to read as follows:

10.3. A permittee must report the loss or removal of any band within five (5) days by filing a Federal form 3-186A either electronically or in paper form. Lost bands must be replaced by a permanent, nonreusable numbered band supplied by the division. Upon remarking the raptor, the permittee shall immediately complete and submit a Federal form 3-186A either electronically or on paper reporting the new band.;

On page nine, by striking out all of subsection 10.6. and inserting in lieu thereof a new subsection 10.6. to read as follows:

10.6. A permittee shall remove and surrender to the division any markers from an intentionally released raptor which is indigenous to the state. A standard Federal band may be attached to the birds at the discretion of the division prior to release.;

On page nine, subsection 11.1., by striking out the words “both the division and the U. S. Fish and Wildlife Service Regional Law-Enforcement office” and inserting in lieu thereof the words “the division”;

And,

On page nine, by striking out all of subsection 11.3. and inserting in lieu thereof a new subsection 11.3. to read as follows:

11.3. Resident General or Master Falconers may take from the wild any species of Falconiform, Accipitriform or Strigiform in West Virginia except: eagles; peregrine falcon (*Falco peregrines*); Northern harrier (*Circus cyaneus*); northern goshawk (*Accipiter gentilis*); American rough-legged hawk (*Buteo lagopus*); barn owl (*Tyto alba*); long-eared owl (*Asio otus*); short-eared owl (*Asio flammeus*); saw-whet owl (*Aegolius acadicus*); merlin (*Falco columbaris*) eyases; and sharp-shinned hawk (*Accipiter straitus*) eyases.

§64-10-5. Division of Labor.

(a) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section fifteen, article one-a, chapter forty-seven of this code, modified by the Division of Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 21, 2012, relating to the Division of Labor (bedding and upholstered furniture, 42 CSR 12), is authorized with the following amendments:

On page two, following subsection 3.6, by striking subsection 3.7 and renumbering the remaining subsections;

On page two, subsection 3.9, line two, following the word “manufacturing” and the comma, by striking out the word “importing” and the comma;

On page three, subsection 5.1, line one, following the word “manufacturing” and the comma, by striking out the word “importing” and the comma;

On page three, subsection 5.1, line three, following the word “manufacturer” and the comma, by striking out the word “importer” and the comma;

On page three, subsection 6.1, line one, following the word “manufacturer” and the comma, by striking out the word “importer” and the comma;

On page three, subsection 6.2, line one, following the word “manufacturer”, by striking out the words “or importer”;

On page five, subsection 9.3, line one, following the word “manufacturer” and the comma, by striking out the word “importer” and the comma;

On page five, subdivision 10.1.1, following the word “manufacturer”, by striking out the words “or importer”;

On page ten, appendix C, line sixteen, by striking out the misspelled word “ADDRESS” and inserting in lieu thereof, the word “ADDRESS”;

On page eleven, appendix D, line twenty, by striking out the misspelled word “ADDRESS” and inserting in lieu thereof, the word “ADDRESS”;

On page fourteen, appendix G, line fourteen, by striking out the misspelled word “ADRESS” and inserting in lieu thereof, the word “ADDRESS”;

And,

On page fifteen, appendix H, line thirteen, by striking out the misspelled word “ADRESS” and inserting in lieu thereof, the word “ADDRESS”.

(b) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section three, article ten, chapter twenty-one of this code, modified by the Division of Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 21, 2012, relating to the Division of Labor (Amusement Rides and Amusement Attractions Safety Act, 42 CSR 17), is authorized with the following amendments:

On pages three and four, by redesignating subdivisions 4.1.1., 4.1.2., 4.1.3., 4.1.4., 4.1.5., 4.1.6., 4.1.7., 4.1.8., 4.1.9., 4.1.10. and 4.1.11., as 4.1.a., 4.1.b., 4.1.c., 4.1.d., 4.1.e., 4.1.f., 4.1.g., 4.1.h., 4.1.i., 4.1.j. and 4.1.k.;

On page seven, subdivision 9.2.b., line two, after the word “has”, by striking out the word “of”;

On page eight, subdivision 10.2.b., line two, after the word “has”, by striking out the word “of”;

On page eleven, subsection 17.4, line two, following the words “report of the”, by inserting the word “serious”;

On page eleven, subsection 17.5, line one, following the words “document the”, by striking out the word “accident” and inserting in lieu thereof the words “serious injury or fatality”;

On page eleven, subsection 18.1, line two, following the words “required by”, by striking out the words “this section of the rule” and inserting in lieu thereof the words “sections 15 or 17 of this rule”;

On page eleven, subsection 18.1, line three, following the word “cessation” and the comma, by striking out the words “imminent danger notification” and the comma;

On page twelve, subsection 19.4, line three, following the word “operation”, by striking the words “is prohibited” and inserting a colon;

On page twelve, by redesignating subdivisions 19.4.1 and 19.4.2 as 19.4.a. and 19.4.b.;

And,

On page twelve, by redesignating paragraphs 19.4.2.1., 19.4.2.2., 19.4.2.3., 19.4.2.4., 19.4.2.5., 19.4.2.6. as 19.4.b.1., 19.4.b.2., 19.4.b.3., 19.4.b.4., 19.4.b.5., 19.4.b.6.

(c) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section eleven, article three-c, chapter twenty-one of this code, modified by the Division of Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 21, 2012, relating to the Division of Labor (supervision of elevator mechanics and apprentices, 42 CSR 21A), is authorized, with the following amendments:

On page two, subsection 5.1., by un-striking the word “may” and striking out the word “shall”;

On page two, subsection 5.2., by un-striking the word “may” and striking out the word “shall”;

And,

On page six, subsection 9.2, line two, after the word “with”, by striking out the word “the”.

(d) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section three, article three-d, chapter twenty-one of this code, modified by the Division of Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 21, 2012, relating to the Division of Labor (Crane Operator Certification Act, 42 CSR 24), is authorized with the following amendment:

On page two, subsection 3.4, line four, following the word “November”, by striking out “10” and inserting in lieu thereof “14”.

(e) The legislative rule filed in the State Register on August 21, 2012, authorized under the authority of section three, article three-d, chapter twenty-one of this code, relating to the Division of Labor (Crane Operator Certification Act - practical examination, 42 CSR 25), is authorized with the following amendments:

On page two, subsection 3.4, line five, following the word “November”, by striking out “10” and inserting in lieu thereof “14”;

And,

On page three, line fifteen, after the stricken subdivision designation 4.5.d., by inserting the subdivision designation 4.4.d.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 250—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia,

1931, as amended, relating generally to the promulgation of administrative rules by the Department of Commerce; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; repealing the Development Office legislative rule relating to the use of coalbed methane severance tax proceeds; authorizing the Broadband Deployment Council to promulgate a legislative rule relating to broadband deployment grants programs; authorizing the Board of Miner Training, Education and Certification to promulgate a legislative rule relating to the standards for certification of coal mine electricians; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special boating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special motorboating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping rules; authorizing the Division of Natural Resources to promulgate a legislative rule relating to prohibitions when hunting and trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to deer hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to general trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special fishing; authorizing the Division of Natural Resources to promulgate a legislative rule relating to falconry; authorizing the Division of Labor to promulgate a legislative rule relating to bedding and upholstered furniture; authorizing the Division of

Labor to promulgate a legislative rule relating to the Amusement Rides and Amusement Attractions Safety Act; authorizing the Division of Labor to promulgate a legislative rule relating to the supervision of elevator mechanics and apprentices; authorizing the Division of Labor to promulgate a legislative rule relating to the Crane Operator Certification Act; and authorizing the Division of Labor to promulgate a legislative rule relating to the Crane Operator Certification Act – practical examination.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 250, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)–34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 250) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder,

Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 250) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 355, Relating to final wage payment to discharged employees.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page two, section four, lines fourteen and fifteen, by striking out the words “a day on which state offices are open for regular business” and inserting in lieu thereof the words “any day other than Saturday, Sunday or any legal holiday as set forth in section one, article two, chapter two of this code”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 355, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 355) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 369, Relating to concealed handgun license reciprocity.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 7. DANGEROUS WEAPONS.**§61-7-6. Exceptions as to prohibitions against carrying concealed handguns; exemptions from licensing fees.**

(a) The licensure provisions set forth in this article do not apply to:

(1) Any person ~~carrying~~:

(A) Carrying a deadly weapon upon his or her own premises; ~~nor shall anything herein prevent a person from carrying any~~

(B) Carrying a firearm, unloaded, from the place of purchase to his or her home, residence or place of business or to a place of repair and back to his or her home, residence or place of business; ~~nor shall anything herein prohibit a person from possessing or~~

(C) Possessing a firearm while hunting in a lawful manner or while traveling from his or her home, residence or place of business to a hunting site and returning to his or her home, residence or place of business;

(2) Any person who is a member of a properly organized target-shooting club authorized by law to obtain firearms by purchase or requisition from this state or from the United States for the purpose of target practice from carrying any pistol, as defined in this article, unloaded, from his or her home, residence or place of business to a place of target practice and from any place of target practice back to his or her home, residence or place of business, for using any such weapon at a place of target practice in training and improving his or her skill in the use of the weapons;

(3) Any law-enforcement officer or law-enforcement official as defined in section one, article twenty-nine, chapter thirty of this code;

(4) Any employee of the West Virginia Division of Corrections duly appointed pursuant to the provisions of section ~~five~~ eleven-c, article ~~five~~ one, chapter ~~twenty-eight~~ twenty-five of this code while the employee is on duty;

(5) Any member of the armed forces of the United States or the militia of this state while the member is on duty;

~~(6) Any circuit judge, including any retired circuit judge designated senior status by the Supreme Court of Appeals of West Virginia, prosecuting attorney, assistant prosecuting attorney or a duly appointed investigator employed by a prosecuting attorney;~~

~~(7) (6) Any resident of another state who holds a valid permit or license to possess or carry a concealed weapon handgun issued by a state or a political subdivision which has entered into a reciprocity agreement with this state, subject to the provisions and limitations set forth in section six-a of this article;~~

~~(8) (7) Any federal law-enforcement officer or federal police officer authorized to carry a weapon in the performance of the officer's duty; and~~

~~(9) (8) Any Hatfield-McCoy Regional Recreation Authority Ranger while the ranger is on duty; and~~

~~(9) Any parole officer appointed pursuant to section fourteen, article twelve, chapter sixty-two of this code in the performance of their duties.~~

(b) On and after July 1, 2013, the following judicial officers and prosecutors and staff shall be exempted from paying any application fees or licensure fees required under this article. However, on and after that same date, they shall be required to make application and satisfy all licensure and handgun safety and training requirements set forth in section four of this article before carrying a concealed handgun in this state:

(1) Any justice of the Supreme Court of Appeals of West Virginia;

(2) Any circuit judge;

(3) Any retired justice or retired circuit judge designated senior status by the Supreme Court of Appeals of West Virginia;

(4) Any family court judge;

(5) Any magistrate;

(6) Any prosecuting attorney;

(7) Any assistant prosecuting attorney; or

(8) Any duly appointed investigator employed by a prosecuting attorney.

§61-7-6a. Reciprocity and recognition; out-of-state concealed handgun permits.

(a) ~~A holder of a valid out-of-state permit or license to possess or carry a concealed handgun as issued by another state with which the State of West Virginia has executed a reciprocity agreement shall be recognized as is~~ valid in this state for the carrying of a concealed handgun, if the following conditions are met:

(1) The permit or license holder is twenty-one years of age or older;

(2) The permit or license is in his or her immediate possession;

(3) The permit or license holder is not a resident of the State of West Virginia; and

~~(4) The State of West Virginia has executed a valid and effective reciprocity agreement with the issuing state pertaining to the carrying and verification of concealed handgun licenses and permits issued in the respective states. The Attorney General has been notified by the Governor of the other state that the other state allows residents of West Virginia who are licensed in West Virginia to carry a concealed handgun to carry a concealed handgun in that state or the Attorney General has entered into a written reciprocity agreement with the appropriate official of the other state whereby the state agrees to honor West Virginia concealed handgun licenses in return for same treatment in this state.~~

(b) A holder of a valid permit or license from another state who is authorized to carry a concealed handgun in this state pursuant to provisions of this section is subject to the same laws and restrictions with respect to carrying a concealed handgun as a resident of West Virginia who is so permitted, and must carry the concealed handgun in compliance with the laws of this state.

(c) A license or permit from another state is not valid in this state if the holder is or becomes prohibited by law from possessing a firearm.

(d) The West Virginia Attorney General shall seek to obtain recognition of West Virginia concealed handgun licenses and enter into and may execute reciprocity agreements on behalf of the State of West Virginia with states which meet the following standards and requirements:

~~(1) The standards applied by the other state before issuing a concealed handgun license or permit must be similar to or greater than the standards imposed by this article;~~

~~(2) This state's law-enforcement officers have continuous access to databases on the criminal information network, 8twenty-four hours per day, seven days per week, to verify the continued validity~~

of any license or permit to carry a concealed handgun that has been granted by the issuing state;

~~(3) The other state agrees to grant the right to carry a concealed handgun to residents of West Virginia who have valid concealed handgun permits issued pursuant to this article in their possession while carrying concealed weapons in that state; and~~

~~(4) The states agree to apprise one another of changes in permitting standards and requirements, to provide for a prompt reexamination of whether any adopted change in licensing or permitting standards negates the states' ability to continue with the reciprocity agreement. for the recognition of concealed handgun permits issued pursuant to this article.~~

(e) The West Virginia State Police shall maintain a registry of states with which the State of West Virginia has entered into reciprocity agreements or which recognize West Virginia concealed handgun licenses on the criminal information network and make the registry available to law-enforcement officers for investigative purposes.

(f) Every twelve months after the effective date of this section, the West Virginia Attorney General shall make written inquiry of the concealed handgun licensing or permitting authorities in each other state as to: (i) Whether a West Virginia resident may carry a concealed handgun in their state based upon having a valid West Virginia concealed handgun permit; and (ii) whether a West Virginia resident may carry a concealed handgun in that state based upon having a valid West Virginia concealed handgun permit, pursuant to the laws of that state or by the execution of a valid reciprocity agreement between the states.

(g) The West Virginia State Police shall make available to the public a list of states which have entered into reciprocity agreements with the State of West Virginia or that allow residents of West Virginia who are licensed in West Virginia to carry a concealed handgun to carry a concealed handgun in that state.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 369—A Bill to amend and reenact §61-7-6 and §61-7-6a of the Code of West Virginia, 1931, as amended, all relating to exemptions and exceptions for West Virginia conceal and carry handgun license requirements; allowing a resident of another state to carry a handgun in West Virginia if the nonresident person holds a valid permit or license to possess or carry a handgun from another state when certain conditions are met; establishing a precondition that West Virginia residents with a West Virginia-issued conceal and carry permit must be authorized to carry a concealed handgun in that other state; removing or modifying other concealed handgun reciprocity requirements; prescribing methods of verification of reciprocal conceal and carry handgun rights between West Virginia and another state; clarifying or modifying reciprocity requirements and responsibilities of the Attorney General and the State Police; exempting judicial officers, magistrates, prosecutors, assistant prosecutors and investigators employed by prosecutors staff from paying handgun conceal and carry license fees when applying for a conceal and carry permit in this state; requiring the judicial officers, magistrates, prosecutors, assistant prosecutors and investigators employed by prosecutors to satisfy all other licensing requirements and possess a conceal and carry license before carrying a concealed handgun in this state on and after July 1, 2013; removing exemption from remaining conceal and carry licensing requirements for judicial officers, prosecutors and prosecutor investigators as of July 1, 2013; and amending provisions of bill consistent with other legislative action.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 369, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 369) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 371,
Relating to prison overcrowding.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §25-1-15 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §28-5-27 of said code be amended and reenacted; that said code be amended by adding thereto two new sections, designated §31-20-5g and §31-20-5h; that §61-7-6 of said code be amended and reenacted; that §62-11A-1a of said code be amended and reenacted; that §62-11B-9 of said code be amended and reenacted; that §62-11C-2, §62-11C-3 and §62-11C-6 of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §62-11C-10; that §62-12-6, §62-12-7, §62-12-9, §62-12-10, §62-12-13, §62-12-14a, §62-12-15, §62-12-17 and §62-12-19 of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §62-12-29; that §62-15-2 and §62-15-4 of said code be amended and reenacted; and that said code be amended by adding thereto two new sections, designated §62-15-6a and §62-15-6b, all to read as follows:

CHAPTER 25. DIVISION OF CORRECTIONS.

ARTICLE 1. ORGANIZATION, INSTITUTIONS AND CORRECTIONS MANAGEMENT.

§25-1-15. Diagnostic and classification divisions.

(a) The Commissioner of Corrections may establish diagnostic and classification divisions.

(b) Notwithstanding any provision of ~~the~~ this code to the contrary, all persons committed to the custody of the Commissioner of the Division of Corrections for presentence diagnosis and classification and all persons sentenced to the custody of the Division of Corrections shall, upon transfer to the Division of Corrections, undergo diagnosis and classification, which ~~may~~ 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. The Division of Corrections shall perform mental health preliminary screens, appraisals and evaluations according to standards provided by the American Correctional Association.

CHAPTER 28. STATE CORRECTIONAL AND PENAL INSTITUTIONS.

ARTICLE 5. THE PENITENTIARY.

§28-5-27. Deduction from sentence for good conduct; mandatory supervision.

(a) All current and future adult inmates ~~now~~ in the custody of the Commissioner of Corrections, ~~or hereafter committed to the custody of the Commissioner of Corrections,~~ except those committed pursuant to article four, chapter twenty-five of this code, shall be granted commutation from their sentences for good conduct in accordance with this section.

(b) ~~Such~~ The commutation of sentence, ~~hereinafter called 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 of Corrections and incarcerated in a correctional facility pursuant to ~~such~~ 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 ~~and which is~~ are credited by the sentencing court to his or her sentence pursuant to section twenty-four, article eleven, chapter sixty-one of this code or for any other reason relating to ~~such~~ the commitment. ~~No~~ An inmate may not be granted any good time for time served either on parole or bond or in any other status ~~whereby~~ when he or she is not physically incarcerated.

(d) ~~No~~ An inmate sentenced to serve a life sentence ~~shall be~~ 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 ~~thereof~~ of the consecutive sentences are added together, were all one sentence.

(f) The Commissioner of Corrections shall promulgate ~~separate~~ disciplinary rules. ~~for each institution under his control in which adult felons are incarcerated, which~~ The rules shall describe acts ~~which~~ that inmates are prohibited from committing, procedures for charging individual inmates for violation of ~~such~~ the rules and for determining the guilt or innocence of inmates charged with ~~such~~ the violations and the sanctions which may be imposed for ~~such~~ the violations. A copy of ~~such~~ the rules shall be given to each inmate. For each ~~such~~ violations violation, by ~~an~~ a sanctioned inmate ~~so sanctioned~~, any part or all of the good time which has been granted to ~~such~~ the inmate pursuant to this section may be forfeited and revoked by the warden or superintendent of the institution in which the violation occurred. The warden or superintendent, when appropriate and with approval of the commissioner, may restore any ~~forfeited~~ good time so forfeited.

(g) Each inmate, upon his or her commitment to and being received placed into the custody of the Commissioner of ~~the~~ Department of Corrections, or upon his or her return to custody as the result of violation of parole pursuant to section nineteen, article twelve, chapter sixty-two 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 subsection (g) of this section if and when any part or all of the good time has been forfeited and revoked or restored

pursuant to subsection (f) ~~whereby~~ of this section, by which the time of his or her earliest discharge is changed.

(i) The Commissioner of Corrections may, with the approval of the Governor, allow extra good time for inmates who perform exceptional work or service.

(j) In order to ensure equitable good time for all current and future inmates ~~now~~ in the custody of the Commissioner of Corrections ~~or hereafter committed to the custody of such commissioner~~, except as to those persons committed pursuant to article four, chapter twenty-five of this code, all good ~~times~~ time shall be computed according to this section and all previous computations of good time under prior statutes or ~~regulations~~ rules are ~~hereby voided~~ void. All inmates who have previously forfeited good time are hereby restored to good time computed according to this section and all inmates will receive a new discharge date computed according to this section. All inmates that have been awarded overtime good time or extra good time pursuant to sections twenty-seven-a and twenty-seven-b of this article which ~~are~~ were repealed simultaneously with the amendment to this section during the regular session of the Legislature in the year 1984 shall receive ~~such~~ that good time in addition to the good time computed according to this section.

(k) There shall be no grants or accumulations of good time or credit to any current or future inmate ~~now or hereafter~~ serving a sentence in the custody of the ~~Department~~ Division of Corrections except in the manner provided in this section.

(l) 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.

(m) Upon sentencing of an inmate for an offense not referenced in subsection (l) of this section, the court may order that one hundred eighty 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.

(n) The Commissioner of Corrections shall adopt policies and procedures to implement the mandatory supervision provided for in subsections (l) and (m) of this section, which may include terms, conditions and procedures for supervision, modification and violation applicable to persons on parole.

(o) As used in this section, “felony crime of violence against the person” means felony offenses set forth in article two, three-e, eight-b or eight-d, chapter sixty-one 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 article three, chapter sixty-one of this code.

(p) 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 article eight, eight-a, eight-c or eight-d, chapter sixty-one of this code.

CHAPTER 31. CORPORATIONS.

**ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND
CORRECTIONAL FACILITY
AUTHORITY.**

§31-20-5g. Pretrial risk assessment.

(a) Within three calendar days of the arrest and placement of any person in a regional jail, the authority 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 authority 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.

§31-20-5h. Programs for inmates committed to prison.

The Division of Corrections may develop and implement a cognitive behavioral program to address the needs of inmates detained in a regional jail, but committed to the custody of the Commissioner of Corrections. The program shall be developed in consultation with the Regional Jail Authority and may be offered by video teleconference or webinar technology. The costs of the program shall be paid out of funds appropriated to the Division of Corrections. The program shall be covered by the rehabilitation plan policies and procedures adopted by the Division of Corrections under subsection (h), section thirteen, article twelve, chapter sixty-two of this code.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**ARTICLE 7. DANGEROUS WEAPONS.****§61-7-6. Exceptions as to prohibitions against carrying concealed handguns; exemptions from licensing fees.**

(a) The licensure provisions set forth in this article do not apply to:

(1) Any person ~~carrying~~:

(A) Carrying a deadly weapon upon his or her own premises; ~~nor shall anything herein prevent a person from carrying any~~

(B) Carrying a firearm, unloaded, from the place of purchase to his or her home, residence or place of business or to a place of repair and back to his or her home, residence or place of business; ~~nor shall anything herein prohibit a person from possessing or~~

(C) Possessing a firearm while hunting in a lawful manner or while traveling from his or her home, residence or place of business to a hunting site and returning to his or her home, residence or place of business;

(2) Any person who is a member of a properly organized target-shooting club authorized by law to obtain firearms by purchase or requisition from this state or from the United States for the purpose of target practice from carrying any pistol, as defined in this article, unloaded, from his or her home, residence or place of business to a place of target practice and from any place of target practice back to his or her home, residence or place of business, for using any such weapon at a place of target practice in training and improving his or her skill in the use of the weapons;

(3) Any law-enforcement officer or law-enforcement official as defined in section one, article twenty-nine, chapter thirty of this code;

(4) Any employee of the West Virginia Division of Corrections duly appointed pursuant to the provisions of section ~~five~~ eleven-c, article ~~five~~ one, chapter ~~twenty-eight~~ twenty-five of this code while the employee is on duty;

(5) Any member of the armed forces of the United States or the militia of this state while the member is on duty;

~~(6) Any circuit judge, including any retired circuit judge designated senior status by the Supreme Court of Appeals of West Virginia, prosecuting attorney, assistant prosecuting attorney or a duly appointed investigator employed by a prosecuting attorney;~~

~~(7) (6) Any resident of another state who holds a valid permit or license to possess or carry a concealed weapon handgun issued by a state or a political subdivision which has entered into a reciprocity agreement with this state, subject to the provisions and limitations set forth in section six-a of this article;~~

~~(8) (7) Any federal law-enforcement officer or federal police officer authorized to carry a weapon in the performance of the officer's duty; and~~

~~(9) (8) Any Hatfield-McCoy Regional Recreation Authority Ranger while the ranger is on duty; and~~

~~(9) Any parole officer appointed pursuant to section fourteen, article twelve, chapter sixty-two of this code in the performance of their duties.~~

~~(b) On and after July 1, 2013, the following judicial officers and prosecutors and staff shall be exempted from paying any application fees or licensure fees required under this article. However, on and~~

after that same date, they shall be required to make application and satisfy all licensure and handgun safety and training requirements set forth in section four of this article before carrying a concealed handgun in this state:

(1) Any justice of the Supreme Court of Appeals of West Virginia;

(2) Any circuit judge;

(3) Any retired justice or retired circuit judge designated senior status by the Supreme Court of Appeals of West Virginia;

(4) Any family court judge;

(5) Any magistrate;

(6) Any prosecuting attorney;

(7) Any assistant prosecuting attorney; or

(8) Any duly appointed investigator employed by a prosecuting attorney.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 11A. RELEASE FOR WORK AND OTHER PURPOSES.

§62-11A-1a. Other sentencing alternatives.

(a) Any person who has been convicted in a circuit court or in a magistrate court under any criminal provision of this code of a misdemeanor or felony, which is punishable by imposition of a fine or confinement in the a regional jail or a state correctional facility institution, or both fine and confinement, may, in the discretion of the sentencing judge or magistrate, as an alternative to the sentence

imposed by statute for the crime, be sentenced under one of the following programs:

(1) The weekend jail program under which ~~persons~~ a person would be required to spend weekends or other days normally off from work in jail;

(2) The work program under which a sentenced ~~persons~~ person would be required to spend the first two or more days of ~~their~~ his or her sentence in jail and then, in the discretion of the court, would be assigned to a county agency to perform labor within the jail, or in and upon the buildings, grounds, institutions, bridges and roads, including orphaned roads used by the general public and public works within the county. Eight hours of labor are to be credited as one day of the sentence imposed. ~~Persons~~ A person sentenced under this program may be required to provide ~~their~~ his or her own transportation to and from the work site, lunch and work clothes; or

(3) The community service program under which ~~persons~~ a sentenced person would spend no time in jail, but would be sentenced to a number of hours or days of community service work with government entities or charitable or nonprofit entities approved by the circuit court. Regarding any portion of the sentence designated as confinement, eight hours of community service work is to be credited as one day of the sentence imposed. Regarding any portion of the sentence designated as a fine, the fine is to be credited at an hourly rate equal to the prevailing federal minimum wage at the time the sentence was imposed. In the discretion of the court, the sentence credits may run concurrently or consecutively. ~~Persons~~ A person sentenced under this program may be required to provide ~~their~~ his or her own transportation to and from the work site, lunch and work clothes.

(4) ~~A day-reporting center program if the program has been implemented in the sentencing court's jurisdiction or in the area where the offender resides. For purposes of this subdivision "day-reporting center" means a court-operated or court-approved~~

~~facility where persons ordered to serve a sentence in this type of facility are required to report under the terms and conditions set by the court for purposes which include, but are not limited to, counseling, employment training, alcohol or drug testing or other medical testing.~~

(b) In no event may the duration of the alternate sentence exceed the maximum period of incarceration otherwise allowed.

(c) In imposing a sentence under the provisions of this section, the court shall first make the following findings of fact and incorporate them into the court's sentencing order:

(1) The person sentenced was not convicted of an offense for which a mandatory period of confinement is imposed by statute;

(2) In circuit court cases, that the person sentenced is not a habitual criminal within the meaning of sections eighteen and nineteen, article eleven, chapter sixty-one of this code;

(3) In circuit court cases, that the offense underlying the sentence is not a felony offense for which violence or the threat of violence to the person is an element of the offense;

(4) In circuit court cases, that adequate facilities for the administration and supervision of alternative sentencing programs are available through the court's probation officers or the county sheriff or, in magistrate court cases, that adequate facilities for the administration and supervision of alternative sentencing programs are available through the county sheriff; and

(5) That an alternative sentence under provisions of this article will best serve the interests of justice.

(d) ~~Persons~~ A person sentenced by the circuit court under the provisions of this article ~~remain~~ remains under the administrative custody and supervision of the court's probation officers or the

county sheriff. ~~Persons~~ A person sentenced by a magistrate ~~remain~~ remains under the administrative custody and supervision of the county sheriff.

(e) ~~Persons~~ A person sentenced under the provisions of this section may be required to pay the costs of ~~their~~ his or her incarceration, including meal costs: *Provided*, That the judge or magistrate considers the person's ability to pay the costs.

(f) ~~Persons~~ A person sentenced under the provisions of this section ~~remain~~ remains under the jurisdiction of the court. The court may withdraw any alternative sentence at any time by order entered with or without notice and require that the remainder of the sentence be served in the county jail, a regional jail or a state correctional facility: *Provided*, That no alternative sentence directed by the sentencing judge or magistrate or administered under the supervision of the sheriff, his or her deputies, a jailer or a guard may require the convicted person to perform duties which would be considered detrimental to the convicted person's health as attested to by a physician.

(g) No provision of this section may be construed to limit a ~~circuit judge or magistrate's~~ judge's ability to impose a period of supervision or participation in a community corrections program created pursuant to article eleven-c, chapter sixty-two of this code, except that a person sentenced to a day report center must be identified as moderate to high risk of reoffending and moderate to high criminogenic need, as defined by the standardized risk and needs assessment adopted by the Supreme Court of Appeals of West Virginia under subsection (d), section six, article twelve of this chapter, and applied by a probation officer or day report staff. *Provided*, That a judge may impose a period of supervision or participation in a day report center, notwithstanding the results of the standardized risk and needs assessment, upon making specific written findings of fact as to the reason for departing from the requirements of this section.

(h) Magistrates may only impose a period of participation in a day report center with the consent by general administrative order of the supervising judge or chief judge of the judicial circuit in which he or she presides. The day report center staff shall determine which services a person receives based on the results of the standardized risk and needs assessment adopted by the Supreme Court of Appeals of West Virginia under subsection (d), section six, article twelve of this chapter, along with any other conditions of supervision set by the court.

ARTICLE 11B. HOME INCARCERATION ACT.

§62-11B-9. Violation of order of home incarceration procedures; penalties.

(a) If, at any time during the period of home incarceration, there is reasonable cause to believe that a participant in a home incarceration program has violated the terms and conditions of the circuit court's home incarceration order, he or she ~~shall be~~ is subject to the procedures and penalties set forth in section ten, article twelve of this chapter.

(b) If, at any time during the period of home incarceration, there is reasonable cause to believe that a participant sentenced to home incarceration by the circuit court has violated the terms and conditions of the court's order of home incarceration and ~~said~~ the participant's participation was imposed as an alternative sentence to another form of incarceration, ~~said~~ the participant ~~shall be~~ is subject to the same procedures involving confinement and revocation as would a probationer charged with a violation of the order of home incarceration. Any participant under an order of home incarceration ~~shall be~~ is subject to the same penalty or penalties, upon the circuit court's finding of a violation of the order of home incarceration, as he or she could have received at the initial disposition hearing: *Provided*, That the participant shall receive credit towards any sentence imposed after a finding of violation for the time spent in home incarceration.

(c) If, at any time during the period of home incarceration, there is reasonable cause to believe that a participant sentenced to home incarceration by a magistrate has violated the terms and conditions of the magistrate's order of home incarceration as an alternative sentence to incarceration in jail, the supervising authority may arrest the participant upon the obtaining of an order or warrant and take the offender before a magistrate within the county of the offense. The magistrate shall then conduct a prompt and summary hearing on whether the participant's home incarceration should be revoked. If it appears to the satisfaction of the magistrate that any condition of home incarceration has been violated, the magistrate may revoke the home incarceration and order that the sentence of incarceration in jail be executed. Any participant under an order of home incarceration ~~shall be~~ is subject to the same penalty or penalties, upon the magistrate's finding of a violation of the order of home incarceration, as the participant could have received at the initial disposition hearing: *Provided*, That the participant shall receive credit towards any sentence imposed after a finding of violation for the time spent in home incarceration.

ARTICLE 11C. THE WEST VIRGINIA COMMUNITY CORRECTIONS ACT.

§62-11C-2. Community Corrections Subcommittee.

(a) A Community Corrections Subcommittee of the Governor's Committee on Crime, Delinquency and Correction is ~~hereby created~~ continued and continues to be assigned responsibility for screening community corrections programs submitted by community criminal justice boards or from other entities authorized by the provisions of this article to do so for approval for funding by the Governor's committee and for making recommendations as to the disbursement of funds for approved community corrections programs. The subcommittee ~~is to~~ shall be comprised of fifteen members of the Governor's committee including: A representative of the Division of Corrections, a representative of the Regional Jail and Correctional Facility Authority, a representative of the Bureau

for Behavioral Health and Health Facilities, a person representing the interests of victims of crime, an attorney employed by a public defender corporation, an attorney who practices criminal law, a prosecutor and a representative of the West Virginia Coalition Against Domestic Violence. At the discretion of the West Virginia Supreme Court of Appeals, the Administrator of the Supreme Court of Appeals, a probation officer and a circuit judge may serve on the subcommittee as ex officio, nonvoting members.

(b) The subcommittee shall elect a chairperson and a vice chairperson. The subcommittee shall meet quarterly. Special meetings may be held upon the call of the chairperson, vice chairperson or a majority of the members of the subcommittee. A majority of the members of the subcommittee ~~constitute~~constitutes a quorum

§62-11C-3. Duties of the Governor's committee and the Community Corrections Subcommittee.

(a) Upon recommendation of the community corrections subcommittee, the Governor's committee shall propose for legislative promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code, emergency and legislative rules to:

(1) Establish standards for approval of community corrections programs submitted by community criminal justice boards or other entities authorized by the provisions of this article to do so;

(2) Establish minimum standards for community corrections programs to be funded, including requiring annual program evaluations;

(3) Make any necessary adjustments to the fees established in section four of this article;

(4) Establish reporting requirements for community corrections programs; and

(5) Carry out the purpose and intent of this article.

(b) Upon recommendation of the community corrections subcommittee, the Governor's committee shall:

(1) Maintain records of community corrections programs including the corresponding community criminal justice board or other entity contact information and annual program evaluations, when available;

(2) Seek funding for approved community corrections programs from sources other than the fees collected pursuant to section four of this article; and

(3) Provide funding for approved community corrections programs, as available.

(c) The Governor's committee shall submit, on or before September 30 of each year, to the Governor, the Speaker of the House of Delegates, the President of the Senate and, upon request, to any individual member of the Legislature, a report on its activities during the previous year and an accounting of funds paid into and disbursed from the special revenue account established pursuant to section four of this article.

(d) The subcommittee shall review the implementation of evidence-based practices and conduct regular assessments for quality assurance of all community-based criminal justice services, including day report centers, probation, parole and home confinement. In consultation with the affected agencies, the subcommittee shall establish a process for reviewing performance. The process shall include review of agency performance measures and identification of new measures by the subcommittee, if necessary, for measuring the implementation of evidence-based practices or for quality assurance. After providing an opportunity for the affected agencies to comment, the subcommittee shall submit, on or before September 30 of each year, to the Governor,

the Speaker of the House of Delegates, the President of the Senate and, upon request, to any individual member of the Legislature a report on its activities and results from assessments of performance during the previous year.

§62-11C-6. Community criminal justice boards.

(a) Each county or combination of counties or a county or counties and a Class I or II municipality that seek to establish community-based corrections services shall establish a community criminal justice board: *Provided*, That if a county has not established a community criminal justice board by July 1, 2002, the chief probation officer of ~~such~~ that county, with the approval of the chief judge of the circuit, may apply for and receive approval and funding from the Governor's committee for ~~such~~ any programs as authorized by the provisions of section five of this article. Any county which chooses to operate without a community criminal justice board ~~shall be~~ is subject to the regulations and requirements established by the community corrections subcommittee and the Governor's committee.

(b) ~~The~~ A community criminal justice board ~~is to~~ shall consist of no more than fifteen voting members.

(c) All members of ~~the~~ a community criminal justice board ~~are~~ to shall be residents of the county or counties represented.

(d) ~~The~~ A community criminal justice board ~~is to~~ shall consist of the following members:

(1) The sheriff or chief of police or, if the board represents more than one county or municipality, at least one sheriff or chief of police from the counties represented;

(2) The prosecutor or, if the board represents more than one county, at least one prosecutor from the counties represented;

(3) If a public defender corporation exists in the county or counties represented, at least one attorney employed by any public defender corporation existing in the counties represented or, if no public defender office exists, one criminal defense attorney from the counties represented;

(4) One member to be appointed by the local board of education or, if the board represents more than one county, at least one member appointed by a board of education of the counties represented;

(5) One member with a background in mental health care and services to be appointed by the commission or commissions of the county or counties represented by the board;

(6) Two members who can represent organizations or programs advocating for the rights of victims of crimes with preference given to organizations or programs advocating for the rights of victims of the crimes of domestic violence or driving under the influence; ~~and~~

(7) One member with a background in substance abuse treatment and services to be appointed by the commission or commissions of the county or counties represented by the board; and

~~(7)~~(8) Three at-large members to be appointed by the commission or commissions of the county or counties represented by the board.

(e) At the discretion of the West Virginia Supreme Court of Appeals, any or all of the following people may serve on a community criminal justice board as ex officio, nonvoting members:

(1) A circuit judge from the county or counties represented;

(2) A magistrate from the county or counties represented; or

(3) A probation officer from the county or counties represented.

(f) Community criminal justice boards may:

(1) Provide for the purchase, development and operation of community corrections services;

(2) Coordinate with local probation departments in establishing and modifying programs and services for offenders;

(3) Evaluate and monitor community corrections programs, services and facilities to determine their impact on offenders; and

(4) Develop and apply for approval of community corrections programs by the Governor's Committee on Crime, Delinquency and Correction.

(g) If a community criminal justice board represents more than one county, the appointed membership of the board, excluding any ex officio members, shall include an equal number of members from each county, unless the county commission of each county agrees in writing otherwise.

(h) If a community criminal justice board represents more than one county, the board shall, in consultation with the county commission of each county represented, designate one county commission as the fiscal agent of the board.

(i) Any political subdivision of this state operating a community corrections program shall, regardless of whether or not the program has been approved by the Governor's Committee on Crime, Delinquency and Correction, provide to the Governor's committee required information regarding the program's operations as required by legislative rule.

§62-11C-10. Standardized risk and needs assessment; annual reviews; day report services.

The Division of Justice and Community Services shall:

(1) Require that staff of day reporting centers and other community corrections programs be trained in and use in each case a standardized risk and needs assessment as adopted by the Supreme Court of Appeals of West Virginia. The results of all standardized risk and needs assessments are confidential;

(2) Annually conduct a validation study of inter-rater reliability and risk cut-off scores by population to ensure that the standardized risk and needs assessment is sufficiently predictive of the risk of reoffending;

(3) Annually review the membership of all community criminal justice boards to ensure appropriate membership;

(4) Evaluate the services, sanctions and programs provided by each community corrections program to ensure that they address criminogenic needs and are evidence based;

(5) Encourage community criminal justice boards to develop programs in addition to or in lieu of day report centers through grants and more focused use of day report services; and

(6) Annually report to the community corrections subcommittee on the results of duties required by this section.

ARTICLE 12. PROBATION AND PAROLE.

§62-12-6. Powers and duties of probation officers.

(a) Each probation officer shall:

(1) Investigate all cases which the court refers to the officer for investigation and shall report in writing on each case; ~~The probation officer shall furnish~~

(2) Conduct a standardized risk and needs assessment, using the instrument adopted by the Supreme Court of Appeals of West

Virginia, for any probationer for whom an assessment has not been conducted either prior to placement on probation or by a specialized assessment officer. The results of all standardized risk and needs assessments are confidential;

(3) Supervise the probationer and enforce probation according to assessment and supervision standards adopted by the Supreme Court of Appeals of West Virginia;

(4) Furnish to each person released on probation under the officer's supervision a written statement of the probationer's conditions of probation together with a copy of the rules prescribed by the court for the supervision of probationers. The probation officer shall stay Supreme Court of Appeals of West Virginia;

(5) Stay informed concerning the conduct and condition of each probationer under the officer's supervision and shall report on the conduct and condition of each probationer in writing as often as the court requires; The probation officer shall use

(6) Use all practicable and suitable methods to aid and encourage the probationer to improve his or her conduct and condition; The probation officer shall maintain

(7) Perform random drug and alcohol testing on probationers under his or her supervision as directed by the circuit court;

(8) Maintain detailed work records; and shall perform

(9) Perform any other duties the court requires.

(b) The probation officer has authority may, with or without an order or warrant, to arrest any probationer as provided in section ten of this article, and to arrest any person on supervised release when there is reasonable cause to believe that the person on supervised release has violated a condition of release. A person on supervised release so who is arrested shall be brought before the court for a prompt and summary hearing.

(b) (c) Notwithstanding any provision of this code to the contrary:

(1) Any probation officer appointed on or after July 1, 2002, may carry handguns in the course of the officer's official duties after meeting specialized qualifications established by the Governor's Committee on Crime, Delinquency and Correction. ~~which~~ The qualifications shall include the successful completion of handgun training, including which is comparable to the handgun training provided to law-enforcement officers by the West Virginia State Police and includes a minimum of four hours' training in handgun safety and comparable to the handgun training provided to law-enforcement officers by the West Virginia State Police.

(2) Probation officers may only carry handguns in the course of their official duties after meeting the specialized qualifications set forth in subdivision (1) of this subsection.

(3) Nothing in this subsection includes probation officers within the meaning of law-enforcement officers as defined in section one, article twenty-nine, chapter thirty of this code.

(d) The Supreme Court of Appeals of West Virginia may adopt a standardized risk and needs assessment with risk cut-off scores for use by probation officers, taking into consideration the assessment instrument adopted by the Division of Corrections under subsection (h), section thirteen of this article and the responsibility of the Division of Justice and Community Services to evaluate the use of the standardized risk and needs assessment. The results of any standardized risk and needs assessment are confidential.

§62-12-7. Pretrial and preliminary investigation; report on prospective probationers.

(a) The Supreme Court of Appeals of West Virginia may adopt a standardized pretrial risk assessment for use by the Regional Jail

Authority to assist magistrates and circuit courts in making pretrial decisions under article one-c of this chapter.

(b) ~~When~~ Unless otherwise directed by the court, the probation officer shall, in the form adopted by the Supreme Court of Appeals of West Virginia, make a careful investigation of, and a written report with recommendations concerning, any prospective probationer. Insofar as practicable, this report shall include information concerning the offender's court and criminal record, occupation, family background, education, habits and associations, mental and physical condition, the names, relationship, ages and condition of those dependent upon him or her for support and ~~such~~ any other facts ~~as that~~ that may aid the court in determining the propriety and conditions of his or her release on probation. ~~No~~ A person convicted of a felony or of any offense described in article eight-b or eight-d, chapter sixty-one of this code against a minor child may not be released on probation until this report ~~shall have~~ has been presented to and considered by the court. The court may ~~in its discretion~~ request ~~such~~ a report concerning any person convicted of a misdemeanor. The presentence report of any person convicted of an offense, described in said articles or section twelve, article eight of said chapter, may include a statement from a therapist, psychologist or physician who is providing treatment to the child. A copy of all reports shall be filed with the Parole Board of probation and parole.

§62-12-9. Conditions of release on probation.

(a) Release on probation is conditioned upon the following:

(1) That the probationer may not, during the term of his or her probation, violate any criminal law of this or any other state or of the United States;

(2) That ~~he or she~~ the probationer may not, during the term of his or her probation, leave the state without the consent of the court which placed him or her on probation;

(3) That ~~he or she~~ the probationer complies with the conditions prescribed by the court for his or her supervision by the probation officer;

(4) That in every case ~~wherein in which~~ the probationer has been convicted of an offense defined in section twelve, article eight, chapter sixty-one of this code or article eight-b or eight-d of said chapter, against a child, the probationer may not live in the same residence as any minor child, nor exercise visitation with any minor child and ~~has~~ may have no contact with the victim of the offense: *Provided*, That the probationer may petition the court of the circuit ~~wherein in which~~ he or she was convicted for a modification of this term and condition of his or her probation and the burden rests upon the probationer to demonstrate that a modification is in the best interest of the child;

(5) That the probationer ~~be required to~~ pay a fee, not to exceed \$20 per month, to defray costs of supervision: *Provided*, That the court conducts a hearing prior to imposition of probation and makes a determination on the record that the offender is able to pay the fee without undue hardship. All moneys collected as fees from probationers pursuant to this subdivision ~~are to~~ shall be deposited with the circuit clerk who shall, on a monthly basis, remit the moneys collected to the State Treasurer for deposit in the State General Revenue Fund; and

(6) That the probationer is required to pay the fee described in section four, article eleven-c of this chapter: *Provided*, That the court conducts a hearing prior to imposition of probation and makes a determination on the record that the offender is able to pay the fee without undue hardship.

(b) In addition, the court may impose, subject to modification at any time, any other conditions which it may ~~deem~~ determine advisable, including, but not limited to, any of the following:

(1) That ~~he or she~~ the probationer make restitution or reparation, in whole or in part, immediately or within the period of probation, to any party injured by the crime for which he or she has been convicted: *Provided*, That the court conducts a hearing prior to imposition of probation and makes a determination on the record that the offender is able to pay restitution without undue hardship;

(2) That ~~he or she pay~~ the probationer pays any fine assessed and the costs of the proceeding in installments as directed by the court ~~may direct~~: *Provided*, That the court conducts a hearing prior to imposition of probation and makes a determination on the record that the offender is able to pay the costs without undue hardship;

(3) That ~~he or she make contribution~~ the probationer makes contributions from his or her earnings, in sums as directed by the court ~~may direct~~, for the support of his or her dependents; and

(4) That ~~he or she~~ the probationer, in the discretion of the court, be is required to serve a period of confinement in ~~the county~~ jail of the county in which he or she was convicted for a period not to exceed one third of the minimum sentence established by law or one third of the least possible period of confinement in an indeterminate sentence, but in no case may the period of confinement exceed six consecutive months. The court ~~has the authority to~~ may sentence the defendant within the six-month period to intermittent periods of confinement including, but not limited to, weekends or holidays and may grant to the defendant intermittent periods of release in order that he or she may work at his or her employment or for other reasons or purposes as the court may ~~deem~~ determine appropriate: *Provided*, That the provisions of article eleven-a of this chapter do not apply to intermittent periods of confinement and release except to the extent that directed by the court ~~may direct~~. If a period of confinement is required as a condition of probation, the court shall make special findings that other conditions of probation are inadequate and that a period of confinement is necessary.

(c) Circuit courts may impose, as a condition of probation, participation in a day report center.

(1) To be eligible, the probationer must be identified as moderate to high risk of reoffending and moderate to high criminogenic need, as determined by the standardized risk and needs assessment adopted by the Supreme Court of Appeals of West Virginia under subsection (d), section six of this article, and applied by a probation officer or day report staff. In eligible cases, circuit courts may impose a term of up to one year: *Provided*, That notwithstanding the results of the standardized risk and needs assessment, a judge may impose, as a term of probation, participation in a day report center program upon making specific written findings of fact as to the reason for departing from the requirements of this subdivision.

(2) The day report center staff shall determine which services a person receives based on the results of the standardized risk and needs assessment and taking into consideration the other conditions of probation set by the court.

(d) For the purposes of this article, “day report center” means a court-operated or court-approved facility where persons ordered to serve a sentence in this type of facility are required to report under the terms and conditions set by the court for purposes which include, but are not limited to, counseling, employment training, alcohol or drug testing or other medical testing.

§62-12-10. Violation of probation.

(a) If at any time during the period of probation there shall be reasonable cause to believe that the probationer has violated any of the conditions of his or her probation, the probation officer may arrest him or her with or without an order or warrant, or the court which placed him or her on probation, or the judge thereof in vacation, may issue an order for his or her arrest, whereupon he or she shall be brought before the court, or the judge thereof in vacation, for a prompt and summary hearing.

~~(1) If it shall then appears to the satisfaction of the court or judge finds reasonable cause exists to believe that any condition of probation has been violated the probationer:~~

~~(A) Absconded supervision;~~

~~(B) Engaged in new criminal conduct other than a minor traffic violation or simple possession of a controlled substance; or~~

~~(C) Violated a special condition of probation designed either to protect the public or a victim;~~

the court or judge may revoke the suspension of imposition or execution of sentence, impose sentence if none has been imposed and order that sentence be executed.

(2) If the judge finds that reasonable cause exists to believe that the probationer violated any condition of supervision other than the conditions of probation set forth in subdivision (1) of this subsection then, for the first violation, the judge shall impose a period of confinement up to sixty days or, for the second violation, a period of confinement up to one hundred twenty days. For the third violation, the judge may revoke the suspension of imposition or execution of sentence, impose sentence if none has been imposed and order that sentence be executed, with credit for time spent in confinement under this section.

(3) In computing the period for which the offender is to be confined, the time between his or her release on probation and his or her arrest may not be taken to be any part of the term of his or her sentence.

(b) A probationer confined for a first or second violation pursuant to subdivision (2), subsection (a) of this section may be confined in jail, and the costs of confining felony probationers shall be paid out of funds appropriated for the Division of Corrections. Whenever the court orders the incarceration of a probationer pursuant to the

provisions of subdivision (2), subsection (a) of this section, a circuit clerk shall provide a copy of the order of confinement within five days to the Commissioner of Corrections.

(c) If, despite a violation of the conditions of probation, the court or judge ~~shall be~~ is of the opinion that the interests of justice do not require that the probationer serve his or her sentence or a period of confinement, the ~~court~~ or judge may, except when the violation was the commission of a felony, again release him or her on probation: Provided, That a judge may otherwise depart from the sentence limitations set forth in subdivision (2), subsection (a) of this section upon making specific written findings of fact supporting the basis for the departure.

§62-12-13. Powers and duties of board; eligibility for parole; procedure for granting parole.

(a) The ~~board of parole~~ Parole Board, whenever it is of the opinion that the best interests of the state and of the inmate will be served, and subject to the limitations ~~hereinafter~~ hereinafter provided in this section, shall release any inmate on parole for terms and upon conditions ~~as are~~ provided by this article.

(b) Any inmate of a state correctional center institution is eligible for parole if he or she:

(1) (A) Has served the minimum term of his or her indeterminate sentence or has served one fourth of his or her definite term sentence, as the case may be; or

(B) He or she:

(i) Has applied for and been accepted by the Commissioner of Corrections into an accelerated parole program;

(ii) Does not have a prior criminal conviction for a felony crime of violence against the person, a felony offense involving the use of a firearm or a felony offense where the victim was a minor child;

~~(iii) Has no record of institutional disciplinary rule violations for a period of one hundred twenty days prior to parole consideration unless the requirement is waived by the commissioner;~~

~~(iv) (iii) Is not serving a sentence for a crime of violence against the person, or more than one felony for a controlled substance offense for which the inmate is serving a consecutive sentence, a felony offense involving the use of a firearm or a felony offense where the victim was a minor child; and~~

~~(v) (iv) Has successfully completed a rehabilitation treatment program created with the assistance of a standardized risk and needs assessment.~~

~~(I) As used in this section “felony crime of violence against the person” means felony offenses set forth in articles two, three-e, eight-b or eight-d of chapter sixty-one of this code; and~~

~~(II) 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 violation set forth in article eight, eight-a, eight-e or eight-d of chapter sixty-one of this code.~~

(C) Notwithstanding any provision of this code to the contrary, any person inmate who committed, or attempted to commit, a felony with the use, presentment or brandishing of a firearm, is not eligible for parole prior to serving a minimum of three years of his or her sentence or the maximum sentence imposed by the court, whichever is less: *Provided*, That any person inmate who committed, or attempted to commit, any violation of section twelve, article two, chapter sixty-one of this code, with the use, presentment or brandishing of a firearm, is not eligible for parole prior to serving a minimum of five years of his or her sentence or one third of his or her definite term sentence, whichever is greater. Nothing in this paragraph applies to an accessory before the fact or a principal in the second degree who has been convicted as if he or she were a principal in the first degree if, in the commission of

or in the attempted commission of the felony, only the principal in the first degree used, presented or brandished a firearm. ~~A person~~ An inmate is not ineligible for parole under the provisions of this paragraph because of the commission or attempted commission of a felony with the use, presentment or brandishing of a firearm unless that fact is clearly stated and included in the indictment or presentment by which the person was charged and was either: (i) Found guilty by the court at the time of trial upon a plea of guilty or nolo contendere; (ii) found guilty by the jury, upon submitting to the jury a special interrogatory for such purpose if the matter was tried before a jury; or (iii) found guilty by the court, if the matter was tried by the court without a jury.

~~For the purpose of this section, the term "firearm" means any instrument which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive, gunpowder or any other similar means.~~

(D) The amendments to this subsection adopted in the year 1981:

(i) Apply to all applicable offenses occurring on or after August 1 of that year;

(ii) Apply with respect to the contents of any indictment or presentment returned on or after August 1 of that year irrespective of when the offense occurred;

(iii) Apply with respect to the submission of a special interrogatory to the jury and the finding to be made thereon in any case submitted to the jury on or after August 1 of that year or to the requisite findings of the court upon a plea of guilty or in any case tried without a jury: *Provided*, That the state gives notice in writing of its intent to seek such finding by the jury or court, as the case may be. ~~which~~ The notice shall state with particularity the grounds upon which the finding will be sought as fully as ~~such~~ the grounds are otherwise required to be stated in an indictment, unless the grounds ~~therefor~~ upon which the finding will be sought

are alleged in the indictment or presentment upon which the matter is being tried; and

(iv) Does not apply with respect to cases not affected by the amendments and in ~~such~~ those cases the prior provisions of this section apply and are construed without reference to the amendments.

(H) (v) Insofar as the amendments relate to mandatory sentences restricting the eligibility for parole, all matters requiring a mandatory sentence shall be proved beyond a reasonable doubt in all cases tried by the jury or the court.

(E) As used in this section, “felony crime of violence against the person” means felony offenses set forth in article two, three-e, eight-b or eight-d, chapter sixty-one of this code; and

(F) 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 violation set forth in article eight, eight-a, eight-c or eight-d, chapter sixty-one of this code.

(G) For the purpose of this section, the term “firearm” means any instrument which will, or is designed to, or may readily be converted to expel a projectile by the action of an explosive, gunpowder or any other similar means.

(2) Is not in punitive segregation or administrative segregation as a result of disciplinary action;

(3) Has maintained a record of good conduct in prison for a period of at least three months immediately preceding the date of his or her release on parole;

(4) Has prepared and submitted to the Parole Board a written parole release plan setting forth proposed plans for his or her place of residence, employment and, if appropriate, his or her plans

regarding education and post-release counseling and treatment: Provided, That an inmate's application for parole may be considered by the board without the prior submission of a home plan, but the inmate shall have a home plan approved by the board prior to his or her release on parole. The Commissioner of Corrections or his or her designee shall review and investigate the plan ~~to be reviewed and investigated~~ and provide recommendations to the board as to the suitability of the plan: *Provided, That in cases in which there is a mandatory thirty-day notification period required prior to the release of the inmate, pursuant to section twenty-three of this article, the board may conduct an initial interview and deny parole without requiring the development of a plan. In the event the board does not believe parole should be denied believes parole should be granted,* it may defer a final decision pending completion of an investigation and receipt of recommendations. Upon receipt of the plan together with the investigation and recommendation, the board, through a panel, shall make a final decision regarding the granting or denial of parole; and

(5) Has satisfied the board that if released on parole he or she will not constitute a danger to the community.

(c) Except in the case of ~~a person~~ an inmate serving a life sentence, ~~no~~ a person who has been previously twice convicted of a felony may not be released on parole until he or she has served the minimum term provided by law for the crime for which he or she was convicted. A person An inmate sentenced for life may not be paroled until he or she has served ten years, and ~~a person~~ an inmate sentenced for life who has been previously twice convicted of a felony may not be paroled until he or she has served fifteen years: *Provided, That a person an inmate* convicted of first degree murder for an offense committed on or after June 10, 1994, is not eligible for parole until he or she has served fifteen years.

(d) In the case of ~~a person~~ an inmate sentenced to any state correctional center, ~~it is the duty of the board~~ institution, the Parole Board, as soon as ~~a person~~ that inmate becomes eligible, to shall consider the advisability of his or her release on parole.

(e) If, upon consideration, parole is denied, the board shall promptly notify the inmate of the denial. The board shall, at the time of denial, notify the inmate of the month and year he or she may apply for reconsideration and review. The board shall at least once a year reconsider and review the case of every inmate who was denied parole and who is still eligible: *Provided*, That the board may reconsider and review parole eligibility any time within three years following the denial of parole of an inmate serving a life sentence with the possibility of parole.

(f) Any ~~person~~ inmate serving a sentence on a felony conviction who becomes eligible for parole consideration prior to being transferred to a state correctional ~~center~~ institution may make written application for parole. The terms and conditions for parole consideration established by this article apply to ~~such inmates~~ that inmate.

(g) The board shall, with the approval of the Governor, adopt rules governing the procedure in the granting of parole. No provision of this article and none of the rules adopted ~~hereunder~~ under this article are intended or may be construed to contravene, limit or otherwise interfere with or affect the authority of the Governor to grant pardons and reprieves, commute sentences, remit fines or otherwise exercise his or her constitutional powers of executive clemency.

(h) (1) The Division of Corrections shall promulgate policies and procedures for developing a rehabilitation treatment plan created with the assistance of a standardized risk and needs assessment. The policies and procedures shall ~~include, but not be limited to, policy and procedures for~~ provide for, at a minimum, screening and selecting inmates for rehabilitation treatment and development, and use of using standardized risk and needs assessment and substance abuse assessment tools, and prioritizing the use of residential substance abuse treatment resources based on the results of the standardized risk and needs assessment and a substance

abuse assessment. The results of all standardized risk and needs assessments and substance abuse assessments are confidential.

(2) An inmate shall not be paroled under paragraph (B), subdivision (1), subsection (b) of this section solely due to having successfully completed a rehabilitation treatment plan, but completion of all the requirements of a rehabilitation ~~parole~~ treatment plan along with compliance with the requirements of subsection (b) of this section ~~shall~~ creates a rebuttable presumption that parole is appropriate. The presumption created by this ~~subsection~~ subdivision may be rebutted by a Parole Board finding that, according to the standardized risk and needs assessment, at the time parole release is sought the inmate still constitutes a reasonable risk to the safety or property of other persons if released. Nothing in subsection (b) of this section or in this subsection may be construed to create a right to parole.

(i) Notwithstanding the provisions of subsection (b) of this section, the Parole Board may, ~~in its discretion,~~ grant or deny parole to an inmate against whom a detainer is lodged by a jurisdiction other than West Virginia for service of a sentence of incarceration, upon a written request for parole from the inmate. A denial of parole under this subsection ~~shall preclude~~ precludes consideration for parole for a period of one year or until the provisions of subsection (b) of this section are applicable.

(j) ~~Where~~ If an inmate is otherwise eligible for parole pursuant to subsection (b) of this section ~~but~~ and has completed the rehabilitation treatment program required under subsection (h) of this section, the Parole Board ~~determines that~~ may not require the inmate ~~should to~~ participate in an additional program, ~~or~~ but may determine that the inmate must complete an assigned task or tasks prior to actual release on parole. ~~the~~ The board may grant parole contingently, effective upon successful completion of the program or assigned task or tasks, without the need for a further hearing. ~~The Commissioner of Corrections shall provide notice to the Parole Board of the imminent release of a contingently paroled inmate to effectuate appropriate supervision.~~

(k) (1) The Division of Corrections ~~is charged with the duty of supervising~~ shall 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 Parolee Supervision.

(2) The Division of Corrections shall provide supervision, treatment/recovery and support services for all persons released to mandatory supervision under section twenty-seven, article five, chapter twenty-eight of this code.

(l) (1) When considering an inmate of a state correctional center for release on parole, the Parole Board panel considering the parole ~~is to~~ shall have before it an authentic copy of or report on the inmate's current criminal record as provided through the West Virginia State Police, the United States Department of Justice or any other reliable criminal information sources and written reports of the warden or superintendent of the state correctional ~~center~~ institution to which the inmate is sentenced:

(A) On the inmate's conduct record while in custody, including a detailed statement showing any and all infractions of disciplinary rules by the inmate and the nature and extent of discipline administered ~~therefor~~ for the infractions;

(B) On improvement or other changes noted in the inmate's mental and moral condition while in custody, including a statement expressive of the inmate's current attitude toward society in general, toward the judge who sentenced him or her, toward the prosecuting attorney who prosecuted him or her, toward the policeman or other officer who arrested the inmate and toward the crime for which he or she is under sentence and his or her previous criminal record;

(C) On the inmate's industrial record while in custody which shall include: The nature of his or her work, occupation or education, the average number of hours per day he or she has been employed or in class while in custody and a recommendation as to the nature and

kinds of employment which he or she is best fitted to perform and in which the inmate is most likely to succeed when he or she leaves prison the state correctional institution; and

(D) On any physical, mental, ~~and~~ psychological or psychiatric examinations of the inmate. ~~conducted, insofar as practicable, within the two months next preceding parole consideration by the board.~~

(2) The Parole Board panel considering the parole may waive the requirement of any report when not available or not applicable as to any inmate considered for parole but, in every such case, shall enter in ~~the~~ its record ~~thereof~~ its reason for the waiver: *Provided*, That in the case of an inmate who is incarcerated because the inmate has been found guilty of, or has pleaded guilty to, a felony under the provisions of section twelve, article eight, chapter sixty-one of this code or under the provisions of article eight-b or eight-c of said chapter, the Parole Board panel may not waive the report required by this subsection. ~~and the~~ The report ~~is to~~ shall include a study and diagnosis of the inmate, including an on-going treatment plan requiring active participation in sexual abuse counseling at an approved mental health facility or through some other approved program: *Provided, however*; That nothing disclosed by the ~~person~~ inmate during the study or diagnosis may be made available to any law-enforcement agency, or other party without that ~~person's~~ inmate's consent, or admissible in any court of this state, unless the information disclosed indicates the intention or plans of the parolee to do harm to any person, animal, institution or to property. Progress reports of outpatient treatment are to be made at least every six months to the parole officer supervising the ~~person~~ parolee. In addition, in such cases, the Parole Board shall inform the prosecuting attorney of the county in which the person was convicted of the parole hearing and shall request that the prosecuting attorney inform the Parole Board of the circumstances surrounding a conviction or plea of guilty, plea bargaining and other background information that might be useful in its deliberations.

(m) Before releasing any inmate on parole, the ~~board of parole~~ Parole Board shall arrange for the inmate to appear in person before a Parole Board panel and the panel may examine and interrogate him or her on any matters pertaining to his or her parole, including reports before the Parole Board made pursuant to the provisions ~~hereof of this section~~: *Provided*, That an inmate may appear by video teleconference if the members of the Parole Board panel conducting the examination are able to contemporaneously see the inmate and hear all of his or her remarks and if the inmate is able to contemporaneously see each of the members of the panel conducting the examination and hear all of the members' remarks. The panel shall reach its own written conclusions as to the desirability of releasing the inmate on parole and the majority of the panel considering the release ~~shall~~ must concur in the decision. The warden or superintendent shall furnish all necessary assistance and cooperate to the fullest extent with the Parole Board. All information, records and reports received by the Parole Board ~~are~~ to shall be kept on permanent file.

(n) The Parole Board and its designated agents are at all times to have access to inmates imprisoned in any state correctional center institution or in any jail in this state and may obtain any information or aid necessary to the performance of its duties from other departments and agencies of the state or from any political subdivision ~~thereof~~ of the state.

(o) The Parole Board shall, if ~~so~~ requested by the Governor, investigate and consider all applications for pardon, reprieve or commutation and shall make recommendation ~~thereon~~ on the applications to the Governor.

(p) (1) Prior to making a recommendation for pardon, reprieve or commutation, ~~and prior to releasing any inmate on parole~~ the board shall notify the sentencing judge and prosecuting attorney at least ten days before the recommendation ~~or parole~~.

(2) Notwithstanding any other provision of law to the contrary, if the board grants a person parole, the board shall provide written notice to the prosecuting attorney and circuit judge of the county in which the inmate was prosecuted, that parole has been granted. The notice shall be sent by certified mail, return receipt requested, and include the anticipated date of release and the person's anticipated future residence. A written statement of reasons for releasing the person, prepared pursuant to subsection (b) of this section, shall be provided upon request.

~~(q) Any person released on parole~~ A parolee shall participate as a condition of parole in the litter control program of the county to which he or she is released to the extent directed by the Parole Board, unless the board specifically finds that this alternative service would be inappropriate.

~~(r) Except for the amendments to this section contained in subdivision (4), subsection (b) and subsection (i) of this section the amendments to this section enacted during the 2010 regular session of the Legislature shall become effective on January 1, 2011.~~

§62-12-14a. Director of employment; director of housing; released inmates; duties.

~~The board shall have authority to~~ Commissioner of Corrections may employ or contract for a director of employment and a director of housing for paroled or pardoned prisoners. It shall be the duty of the 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 to give every possible assistance in helping prisoners, eligible to be paroled or who have been granted parole under this article to released inmates find employment. The director

of housing shall work in conjunction with the parole division 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.

§62-12-15. Powers and duties of state parole officers.

(a) Each state parole officer shall: investigate

(1) Investigate all cases referred to him or her for investigation by the Commissioner of Corrections and ~~shall~~ report in writing thereon; ~~He or she or she shall furnish~~ on the investigation;

(2) Update the standardized risk and needs assessment adopted by the Division of Corrections under subsection (h), section thirteen of this article 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;

(4) Furnish to each ~~person released on parole~~ 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 ~~board,~~ as the case may be Commissioner of Corrections for the supervision of parolees; ~~He or she shall keep~~

(5) Keep informed concerning the conduct and condition of each ~~person~~ parolee under his or her supervision and ~~shall~~ report thereon on the conduct and condition of each parolee in writing as often as required by the Commissioner of Corrections ~~may require;~~ ~~He or she shall use;~~

(6) Use all practicable and suitable methods to aid and encourage ~~persons on parole~~ a parolee and to bring about improvement in ~~their~~ his or her conduct and condition; ~~He or she shall keep~~

(7) Keep detailed records of his or her work; ~~shall keep~~

(8) Keep accurate and complete accounts of and give receipts for all money collected from persons parolees under his or her supervision and ~~shall~~ pay over the money to ~~those~~ persons designated by a circuit court or the Commissioner of Corrections ~~may designate; He or she shall give;~~

(9) Give bond with good security, to be approved by the Commissioner of Corrections, in a penalty of not less than \$1,000 nor more than \$3,000, as determined by the Commissioner of Corrections ~~may determine; and also perform~~

(10) Perform any other duties required by the Commissioner ~~may require of~~ Corrections.

(b) ~~He or she has authority~~ Each state parole officer may, with or without an order or warrant, ~~to arrest or order confinement of~~ any parolee. He or she has all the powers of a notary public, with authority to act anywhere within the state.

(c) The Commissioner of Corrections may issue a certificate authorizing any state parole officer who has successfully completed the Division of Corrections' training program for firearms certification, which is the equivalent of that required of deputy sheriffs, to carry firearms or concealed weapons. Any parole officer authorized by the Commissioner of Corrections may, without a state license, carry firearms and concealed weapons. Each state parole officer, authorized by the Commissioner of Corrections, 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.

§62-12-17. Conditions of release on probation and parole.

(a) Release and supervision on parole of any person, including the supervision by the Division of Corrections of any person

paroled by any other state or by the federal government, shall be upon the following conditions:

(1) That the parolee may not, during the period of his or her parole, violate any criminal law of this or any other state or of the United States;

(2) That ~~he or she~~ the parolee may not, during the period of his or her parole, leave the state without the consent of the Division of Corrections;

(3) That ~~he or she shall comply~~ the parolee complies with the rules prescribed by the Division of Corrections for his or her supervision by the parole officer;

(4) That in every case in which the parolee for a conviction is seeking parole from an offense against a child, defined in section twelve, article eight, chapter sixty-one of this code, or article eight-b or eight-d of said chapter, or similar convictions from other jurisdictions where the parolee is returning or attempting to return to this state pursuant to the provisions of article six, chapter twenty-eight of this code, the parolee may not live in the same residence as any minor child nor exercise visitation with any minor child nor may he or she have any contact with the victim of the offense; and

(5) That the parolee, and all federal or foreign state probationers and parolees whose supervision may have been undertaken by this state, ~~is required~~ to pay a fee, based on his or her ability to pay, not to exceed \$40 per month to defray ~~the~~ costs of supervision.

(b) The Commissioner of Corrections shall keep a record of all actions taken and account for moneys received. ~~No provision of this section prohibits the division from collecting the fees and conducting the checks upon the effective date of this section.~~ All moneys shall be deposited in a special account in the State Treasury to be known as the Parolee's Supervision Fee Fund. Expenditures from the fund shall be for the purposes of providing the parole

supervision required by the provisions of this code and are not authorized from collections, but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of article three, chapter twelve of this code and upon the fulfillment of the provisions set forth in article two, chapter five-a of this code. Amounts collected which are found, from time to time, to exceed the funds needed for purposes set forth in this article may be transferred to other accounts or funds and redesignated for other purposes by appropriation of the Legislature.

(c) The Division of Corrections shall consider the following factors in determining whether a parolee or probationer is financially able to pay the fee:

(1) Current income prospects for the parolee or probationer, taking into account seasonal variations in income;

(2) Liquid assets of the parolee or probationer, assets of the parolee or probationer that may provide collateral to obtain funds and assets of the parolee or probationer that may be liquidated to provide funds to pay the fee;

(3) Fixed debts and obligations of the parolee or probationer, including federal, state and local taxes and medical expenses;

(4) Child care, transportation and other reasonably necessary expenses of the parolee or probationer related to employment; and

(5) The reasonably foreseeable consequences for the parolee or probationer if a waiver of, or reduction in, the fee is denied.

(d) In addition, the Division of Corrections may impose, subject to modification at any time, any other conditions which the division considers advisable.

(e) The Division of Corrections may order substance abuse treatment as a condition or as a modification of parole, only if the

standardized risk and needs assessment indicates the offender has a high risk for reoffending and a need for substance abuse treatment.

(f) The Division of Corrections may impose, as an initial condition of parole, a term of reporting to a day report center or other community corrections program only if the standardized risk and needs assessment indicates a moderate to high risk of reoffending and moderate to high criminogenic need. Any parolee required to report to a day report center or other community corrections program is subject to all the rules and regulations of the center or program and may be removed at the discretion of the center's or program's director. The Commissioner of Corrections shall enter into a master agreement with the Division of Justice and Community Services to provide reimbursement to counties for the use of community corrections programs by eligible parolees. Any placement by the Division of Corrections of a parolee in a day report center or other community corrections program may only be done with the center or program director's consent and the parolee is subject to all of the rules and regulations of the center or program and may be removed by the director.

§62-12-19. Violation of parole.

(a) If at any time during the period of parole there is reasonable cause to believe that the parolee has violated any of the conditions of his or her release on parole, the parole officer may arrest him or her with or without an order or warrant, or the Commissioner of Corrections may issue a written order or warrant for his or her arrest. ~~which the~~ The written order or warrant is sufficient for his or her arrest by any officer charged with the duty of executing an ordinary criminal process. The commissioner's written order or warrant delivered to the sheriff against the ~~paroled prisoner~~ parolee shall be a command to keep custody of the parolee for the jurisdiction of the Division of Corrections. ~~and during~~ During the period of custody, the parolee may be admitted to bail by the court before which the parolee was sentenced. If the parolee is not released on a bond, the costs of confining the paroled prisoner shall be paid out of the funds appropriated for the Division of Corrections.

(1) If reasonable cause is found to exist that a parolee has violated a term or terms of his or her release on parole that does not constitute:

(A) Absconding supervision;

(B) New criminal conduct other than a minor traffic violation or simple possession of a controlled substance; or

(C) Violation of a special condition of parole designed either to protect the public or a victim;

the parole officer may, after consultation with and written approval by the director of parole services, for the first violation, require the parolee to serve a period of confinement up to sixty days or, for the second violation, a period of confinement up to one hundred twenty days: *Provided*, That the Division of Corrections shall notify the Parole Board when a parolee is serving such a term of confinement and the Parole Board may deny further confinement. A parolee serving a term of confinement in the first or second instance may be confined in jail or any other facility designated by the commissioner, but shall be committed to the custody of the Commissioner of Corrections, and the costs of confining the parolee shall be paid out of funds appropriated for the Division of Corrections: *Provided, however*, That upon written request, the parolee shall be afforded the right to a hearing within forty-five days before the Parole Board regarding whether he or she violated the conditions of his or her release on parole.

~~(b) (2)~~ When a parolee is under arrest in custody for a violation of the conditions of his or her parole, he or she shall be given a prompt and summary hearing before a Parole Board panel of the Board upon his or her written request, at which the parolee and his or her counsel are shall be given an opportunity to attend.

(A) If at the hearing it appears to the satisfaction of the panel is determined that reasonable cause exists to believe that the parolee

has: ~~violated any condition of his or her release on parole, or any rules or conditions of his or her supervision~~

(i) Absconded supervision;

(ii) Committed new criminal conduct other than a minor traffic violation or simple possession of a controlled substance; or

(iii) Violated a special condition of parole design to protect either the public or a victim.

the panel may revoke his or her parole and may require him or her to serve in ~~prison~~ a state correctional institution the remainder or any portion of his or her maximum sentence for which, at the time of his or her release, he or she was subject to imprisonment.

(B) If the Parole Board panel finds that reasonable cause exists to believe that the parolee has violated a condition of release or supervision other than the conditions of parole set forth in subparagraph (A), subdivision (2) of this subsection, the panel shall require the parolee to serve, for the first violation, a period of confinement up to sixty days or, for the second violation, a period of confinement up to one hundred twenty days unless the Parole Board makes specific written findings of fact that a departure from the specific limitations of this paragraph is warranted: *Provided*, That if the violation of the conditions of parole or rules for his or her supervision is not a felony as set out in section eighteen of this article, the panel may, if in its judgment the best interests of justice do not require ~~revocation a period of confinement~~, reinstate him or her on parole. The Division of Corrections shall effect release from custody upon approval of a home plan.

(b) Notwithstanding any provision of this code to the contrary, when reasonable cause has been found to believe that a parolee has violated the conditions of his or her parole but the violation does not constitute felonious conduct, the commissioner may, ~~in his or her discretion~~ and with the written consent of the parolee,

allow the parolee to remain on parole with additional conditions or restrictions. The additional conditions or restrictions may include, but are not limited to, participation in any program described in subsection (d), section five, article eleven-c of this chapter. ~~Compliance by~~ If the parolee complies with the conditions of parole ~~precludes revocation of~~ the commissioner may not revoke his or her parole for the conduct which constituted the violation. ~~Failure of~~ If the parolee fails to comply with the conditions or restrictions and all other conditions of release, that failure is an additional violation of parole and the commissioner may proceed against the parolee ~~may be proceeded against~~ under the provisions of this section for the original violation as well as any subsequent violations.

(c) When a parolee has violated the conditions of his or her release on parole by confession to, or being convicted of, any of the crimes set forth in section eighteen of this article, he or she shall be returned to the custody of the Division of Corrections to serve the remainder of his or her maximum sentence, during which remaining part of his or her sentence he or she is ineligible for further parole.

(d) Whenever ~~the a person's~~ a person's parole of a ~~paroled prisoner~~ paroled prisoner has been revoked, the commissioner shall, upon receipt of the panel's written order of revocation, convey and transport the paroled prisoner to a state correctional institution. A ~~paroled prisoner~~ parolee whose parole has been revoked shall remain in custody ~~of the sheriff~~ until delivery to a corrections officer sent and duly authorized by the commissioner for the removal of the ~~paroled prisoner~~ parolee to a state ~~penal~~ correctional institution. The cost of confining the ~~paroled prisoner~~ parolee shall be paid out of the funds appropriated for the Division of Corrections.

(e) When a ~~paroled prisoner~~ parolee is convicted of, or confesses to, any one of the crimes enumerated in section eighteen of this article, it is the duty of the Parole Board to cause him or her to be returned to this state for a summary hearing as provided by this article. Whenever a parolee has absconded supervision, the commissioner

shall issue a warrant for his or her apprehension and return to this state for the hearing provided for in this article: *Provided*, That the panel considering revocation may, if it determines the best interests of justice do not require revocation, cause the ~~paroled-absconder parolee~~ to be reinstated to parole.

(f) A warrant filed by the commissioner shall stay the running of his or her sentence until the parolee is returned to the custody of the Division of Corrections and is physically in West Virginia.

(g) Whenever a parolee who has absconded supervision or has been transferred out of this state for supervision pursuant to section one, article six, chapter twenty-eight of this code is returned to West Virginia due to a violation of parole and costs are incurred by the Division of Corrections, the commissioner may assess reasonable costs from the parolee's inmate funds or the parolee as reimbursement to the Division of Corrections for the costs of returning him or her to West Virginia.

(h) Conviction of a felony for conduct occurring during the period of parole is proof of violation of the conditions of parole and the hearing procedures required by the provisions of this section are inapplicable.

(i) The Commissioner ~~of the Division~~ of Corrections may issue subpoenas for persons and records necessary to prove a violation of the terms and conditions of a parolee's parole either at a preliminary hearing or at a final hearing before a ~~panel of the Parole Board panel~~. The subpoenas shall be served in the same manner provided in the Supreme Court of Appeals of West Virginia Rules of Criminal Procedure. The subpoenas may be enforced by the commissioner through application or petition of the commissioner to the circuit court for contempt or other relief.

§62-12-29. Shared information for community supervision.

(a) The Administrative Director of the Supreme Court of Appeals of West Virginia is requested to assemble a community supervision

committee, to include representatives of the judiciary, probation, parole, day report centers, magistrates, sheriffs, corrections and other members at the discretion of the director. The administrative director shall appoint a chair from among the members, and attend the meeting ex officio.

(b) The committee shall:

(1) Design and deploy a method for probation officers, parole officers, day report centers and others providing community supervision to electronically share offender information and assessments;

(2) Coordinate information reporting and access across agencies continuing supervision;

(3) Collect and share information about assessed and collected restitution among agencies continuing supervision;

(4) Collect sentencing-level data to enable the study of sentencing practices across the state; and

(5) Coordinate with the Community Corrections Subcommittee of the Governor's Committee on Crime, Delinquency and Correction in the discharge of these duties.

(c) The committee shall annually submit a report on its activities during the previous year, on or before September 30, to the Governor, the Speaker of the House of Delegates, the President of the Senate and, upon request, to any individual member of the Legislature.

ARTICLE 15. DRUG OFFENDER ACCOUNTABILITY AND TREATMENT ACT.

§62-15-2. Definitions.

For the purposes of this article:

(1) “Assessment” means a diagnostic evaluation to determine whether and to what extent a person is a drug offender under this article and would benefit from its provisions. The assessment shall be conducted in accordance with the ~~standards, procedures, and diagnostic criteria designed to provide effective and cost-beneficial use of available resources~~ standardized risk and needs assessment and risk cut-off scores adopted by the West Virginia Supreme Court of Appeals. The results of all standardized risk and needs assessments and risk cut-off scores are confidential.

(2) “Continuum of care” means a seamless and coordinated course of substance abuse education and treatment designed to meet the needs of drug offenders as they move through the criminal justice system and beyond, maximizing self-sufficiency.

(3) “Controlled substance” means a drug or other substance for which a medical prescription or other legal authorization is required for purchase or possession.

(4) “Drug” means a controlled substance, an illegal drug or other harmful substance.

(5) “Drug court” means a judicial intervention process that incorporates the Ten Key Components and may include preadjudication or post-adjudication participation.

(6) “Drug court team” ~~may~~ shall consist of the following members who are assigned to the drug court:

(A) The drug court judge, which may include a magistrate, mental hygiene commissioner or other hearing officer;

(B) The prosecutor;

(C) The public defender or a member of the criminal defense bar;

(D) A representative from the day report center or community corrections program, if operating in the jurisdiction;

(E) A law-enforcement officer;

(F) The drug court coordinator;

(G) A representative from a circuit court probation office or the division of parole supervision or both;

(H) One or more substance abuse treatment providers; and

(I) Any other persons selected by the drug court team.

(7) “Drug offender” means an adult person charged with a drug-related offense or an offense in which substance abuse is determined from the evidence to have been a factor in the commission of the offense.

(8) “Dual diagnosis” means a substance abuse and cooccurring mental health disorder.

(9) “Local advisory committee” may consist of the following members or their designees:

(A) A drug court circuit judge, who shall serve as chair;

(B) Drug court ~~magistrate(s)~~ magistrates;

(C) The prosecutor;

(D) A public defender;

(E) The drug court coordinator;

(F) A member of the criminal defense bar;

(G) The circuit clerk;

(H) A day report center director;

(I) A circuit court probation officer, parole officer or both;

(J) Law enforcement;

(K) One or more substance abuse treatment providers;

(L) A corrections representative; and

(M) Any such other person or persons the chair ~~deems~~ considers appropriate.

(10) “Illegal drug” means a drug whose manufacture, sale, use or possession is forbidden by law.

(11) “Memorandum of understanding” means a written document setting forth an agreed upon procedure.

(12) “Offender” means an adult charged with a criminal offense punishable by incarceration.

(13) “Other harmful substance” means a misused substance otherwise legal to possess, including alcohol.

(14) “Preadjudication order” means a court order requiring a drug offender to participate in drug court before charges are filed or before conviction.

(15) “Post adjudication” means a court order requiring a drug offender to participate in drug court after having entered a plea of guilty or nolo contendere or having been found guilty.

(16) “Recidivism” means any subsequent arrest for a serious offense (carrying a sentence of at least one year) resulting in the filing of a charge.

(17) “Relapse” means a return to substance use after a period of abstinence.

(18) “Split sentencing” means a sentence which includes a period of incarceration followed by a period of supervision.

(19) “Staffing” means the meeting before a drug offender’s appearance in drug court in which the drug court team discusses a coordinated response to the drug offender’s behavior.

(20) “Substance” means ~~drug~~ drugs or alcohol.

(21) “Substance abuse” means the illegal or improper consumption of a ~~drug~~ substance.

(22) “Substance abuse treatment” means a program designed to provide prevention, education, and therapy directed toward ending substance abuse and preventing a return to substance usage, through a continuum of care, including: Treatment of cooccurring substance abuse and mental health issues; outpatient care; intensive outpatient care; residential care; peer support; relapse prevention; and cognitive behavioral programming, based on research about effective treatment/recovery models for the offender population.

(23) “Ten key components” means the following benchmarks intended to describe the very best practices, designs and operations of drug courts. These benchmarks are meant to serve as a practical, yet flexible framework for developing effective drug courts in vastly different jurisdictions and to provide a structure for conducting research and evaluation for program accountability:

(A) Drug courts integrate alcohol and other drug treatment services with justice system case processing;

(B) Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants’ due process rights;

(C) Eligible participants are identified early and promptly placed in the drug court program;

(D) Drug courts provide access to a continuum of alcohol, drug and other related treatment and rehabilitation services;

(E) Abstinence is monitored by frequent alcohol and other drug testing;

(F) A coordinated strategy governs drug court responses to participants' compliance;

(G) Ongoing judicial interaction with each drug court participant is essential;

(H) Monitoring and evaluation measure the achievement of program goals and gauge effectiveness;

(I) Continuing interdisciplinary education promotes effective drug court planning, implementation and operations; and

(J) Forging partnerships among drug courts, public agencies and community-based organizations generates local support and enhances drug court effectiveness.

(24) "Treatment supervision" means a program under which an eligible felony drug offender, pursuant to section six-a of this article, is ordered to undergo treatment for substance abuse by a circuit court judge as a condition of drug court, a condition of probation or as a modification of probation.

§62-15-4. Court authorization and structure.

(a) Each judicial circuit or two or more adjoining judicial circuits may establish a drug court or regional drug court program under which drug offenders will be processed to address appropriately, the identified substance abuse problem as a condition of pretrial

release, probation, incarceration, parole or other release from a correctional facility: Provided, That all judicial circuits must be participating in a drug court or regional drug court program in accordance with the provisions of this article by July 1, 2016.

(b) The structure, method, and operation of each drug court program may differ and should be based upon the specific needs of and resources available to the judicial circuit or circuits where the drug court program is located.

(c) A drug court program may be preadjudication or post-adjudication for an adult offender.

(d) Participation in drug court, with the consent of the prosecution and the court, shall be pursuant to a written agreement.

(e) A drug court may grant reasonable incentives under the written agreement if it finds that the drug offender:

- (1) Is performing satisfactorily in drug court;
- (2) Is benefitting from education, treatment and rehabilitation;
- (3) Has not engaged in criminal conduct; or
- (4) Has not violated the terms and conditions of the agreement.

(f) A drug court may impose reasonable sanctions on the drug offender, including incarceration for the underlying offense or expulsion from the program, pursuant to the written agreement, if it finds that the drug offender:

- (1) Is not performing satisfactorily in drug court;
- (2) Is not benefitting from education, treatment or rehabilitation;

(3) Has engaged in conduct rendering him or her unsuitable for the program;

(4) Has otherwise violated the terms and conditions of the agreement; or

(5) Is for any reason unable to participate.

(g) Upon successful completion of drug court, a drug offender's case shall be disposed of by the judge in the manner prescribed by the agreement and by the applicable policies and procedures adopted by the drug court. This may include, but is not limited to, withholding criminal charges, dismissal of charges, probation, deferred sentencing, suspended sentencing, split sentencing, or a reduced period of incarceration.

(h) Drug court shall include the Ten Key Components and the drug court team shall act to ensure compliance with them.

(i) Nothing contained in this article confers a right or an expectation of a right to participate in a drug court nor does it obligate a drug court to accept every drug offender.

(j) Neither the establishment of a drug court nor anything herein may be construed as limiting the discretion of the jurisdiction's prosecutor to act on any criminal case which he or she deems advisable to prosecute.

(k) Each drug court judge may establish rules and may make special orders as necessary that do not conflict with rules and orders promulgated by the Supreme Court of Appeals which has administrative authority over the courts. The Supreme Court of Appeals shall provide uniform referral, procedure and order forms that shall be used in all drug courts in this state.

§62-15-6a. Treatment supervision.

(a) A felony drug offender is eligible for treatment supervision only if the offender would otherwise be sentenced to prison, and the standardized risk and needs assessment indicates the offender has a high risk for reoffending and a need for substance abuse treatment: *Provided*, That an inmate who is, or has been, convicted 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, as defined in subsections (o) and (p), section twenty-seven, article five, chapter twenty-eight of this code, shall not be eligible for treatment supervision.

(b) As a condition of drug court, a condition of probation or as a modification of probation, a circuit court judge may impose treatment supervision on an eligible drug offender convicted of a felony: *Provided*, That a judge may impose treatment supervision on an eligible drug offender convicted of a felony, notwithstanding the results of the risk assessment, upon making specific written findings of fact as to the reason for the departure.

(c) Whenever a circuit court judge determines that a treatment supervision participant has violated the conditions of his or her treatment supervision involving the participant's use of alcohol or a controlled substance, the judge may order a period of incarceration to encourage compliance with program requirements.

(1) Upon written finding by the circuit court judge that the participant would otherwise be sentenced to the custody of the Commissioner of Corrections for service of the underlying sentence, the cost of the incarceration order under this subsection, not to exceed a period of thirty days in any one instance, shall be paid by the Division of Corrections.

(2) Whenever a circuit court judge orders the incarceration of a treatment supervision participant pursuant to this subsection, a copy of the order of confinement shall be provided by the clerk of the circuit court within five days to the Commissioner of Corrections.

(d) The Division of Justice and Community Services shall in consultation with the Governor's Advisory Council on Substance Abuse, created by Executive Order No. 5-11, use appropriated funds to develop proposed substance abuse treatment plans to serve those offenders under treatment supervision in each judicial circuit and on parole supervision.

(e) The Division of Justice and Community Services, in consultation with the Governor's Advisory Committee on Substance Abuse, shall develop:

(1) Qualifications for provider certification to deliver a continuum of care to offenders;

(2) Fee reimbursement procedures; and

(3) Other matters related to the quality and delivery of services.

(f) The Division of Justice and Community Services shall require education and training for providers which shall include, but not be limited to, cognitive behavioral training. The duties of providers who provide services under this section may include: Notifying the probation department and the court of any offender failing to meet the conditions of probation or referrals to treatment; appearing at revocation hearings when required; and providing assistance with data reporting and treatment program quality evaluation.

(g) The cost for all drug abuse assessments and certified drug treatment under this section and subsection (e), section seventeen, article twelve of this chapter shall be paid by the Division of Justice and Community Services from funds appropriated for that purpose. The Division of Justice and Community Services shall contract for payment for the services provided to eligible offenders.

(h) The Division of Justice and Community Services, in consultation with the Governor's Advisory Council on Substance Abuse, shall submit an annual report on or before September 30 to

the Governor, the Speaker of the House of Delegates, the President of the Senate and, upon request, to any individual member of the Legislature containing:

(1) The dollar amount and purpose of funds provided for the fiscal year;

(2) The number of people on treatment supervision who received services and whether their participation was the result of a direct sentence or in lieu of revocation;

(3) The number of people on treatment supervision who, pursuant to a judge's specific written findings of fact, received services despite the risk assessment indicating less than high risk for reoffending and a need for substance abuse treatment;

(4) The type of services provided;

(5) The rate of revocations and successful completions for people who received services;

(6) The number of people under supervision receiving treatment under this section who were rearrested and confined within two years of being placed under supervision;

(7) The dollar amount needed to provide services in the upcoming year to meet demand and the projected impact of reductions in program funding on cost and public safety measures; and

(8) Other appropriate measures used to measure the availability of treatment and the effectiveness of services.

(i) Subsections (a), (b) and (c) of this section shall take effect on January 1, 2014. The remaining provisions of this section shall take effect on July 1, 2013.

§62-15-6b. Intermediate incarceration sanctions for drug court participants; responsibility for costs of incarceration.

(a) Whenever a judge of a drug court determines that a participant who has pled to a felony offense has committed a violation of his or her conditions of participation which would, in the judge's opinion, warrant a period of incarceration to encourage compliance with program requirements, the cost of the incarceration, not to exceed a period of thirty days in any one instance, shall be paid by the Division of Corrections. The judge must make a written finding that the participant would otherwise be sentenced to the custody of the Commissioner of Corrections for service of the underlying sentence.

(b) Whenever a drug court judge incarcerates a participant pursuant to subsection (a) of this section, the clerk of the circuit court shall provide a copy of the order of confinement within five days to the Commissioner of Corrections.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 371—A Bill to amend and reenact §25-1-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §28-5-27 of said code; to amend said code by adding thereto two new sections, designated §31-20-5g and §31-20-5h; to amend and reenact §61-7-6 of said code; to amend and reenact §62-11A-1a of said code; to amend and reenact §62-11B-9 of said code; to amend and reenact §62-11C-2, §62-11C-3 and §62-11C-6 of said code; to amend said code by adding thereto a new section, designated §62-11C-10; to amend and reenact §62-12-6, §62-12-7, §62-12-9, §62-12-10, §62-12-13, §62-12-14a, §62-12-15, §62-12-17 and §62-12-19 of said code; to amend said code by adding thereto a new section, designated §62-

12-29; to amend and reenact §62-15-2 and §62-15-4 of said code; and to amend said code by adding thereto two new sections, designated §62-15-6a and §62-15-6b, all relating to public safety; requiring the Division of Corrections to perform graduated methods of mental health screens, appraisals and evaluations on persons committed to its custody; eliminating requirement for separate disciplinary rules at each institution; mandating one year of supervised release for violent inmates and deducting one year of their good time; authorizing judges to require up to one hundred eighty days of a nonviolent offender's sentence to be served as post-release mandatory supervision; setting an effective date for supervised release provisions; requiring the Commissioner of Corrections to adopt policies regarding mandatory supervised release; requiring the West Virginia Regional Jail and Correctional Facility Authority to use a standardized pretrial risk-screening instrument adopted by the Supreme Court of Appeals of West Virginia to screen persons arrested and placed in a regional jail; providing for the confidentiality of risk assessments and their inadmissibility at criminal and civil trials; requiring the Division of Corrections to develop and implement a cognitive behavioral program for inmates in regional jails committed to the custody of the Commissioner of Corrections and requiring the Division of Corrections to pay its cost; exempting parole officers from prohibitions against carrying concealed weapons; moving definition of "day report center" to section relating to conditions of release on probation; providing standards and limitations under which judges and magistrates may impose a period of supervision or participation in day report program; clarifying language regarding confinement and revocation for violations of the conditions of home incarceration; adding representative of the Bureau for Behavioral Health and Health Facilities to the Community Corrections Subcommittee of the Governor's Committee on Crime, Delinquency and Correction; requiring that the Community Corrections Subcommittee review, assess and report on the implementation of evidence-based practices in the criminal justice system; adding member with a background in substance abuse treatment and services to the community criminal justice boards to be appointed by the commission or

commissions of the county or counties represented by the board; providing oversight responsibility to Division of Justice and Community Services to implement standardized risk and needs assessment, evaluate effectiveness of other modifications to community corrections programs and provide annual report; requiring probation officers to conduct a standardized risk and needs assessment for individuals placed on probation and to supervise probationer and enforce probation according to assessment and supervision standards adopted by the West Virginia Supreme Court of Appeals; requiring probation officers to perform random drug and alcohol tests of persons under their supervision; authorizing the Supreme Court of Appeals of West Virginia to adopt a standardized risk and needs assessment for use by probation officers; authorizing the Supreme Court of Appeals of West Virginia to adopt a standardized pretrial screening instrument for use by the Regional Jail Authority; providing standards and limitations under which judges may impose a term of reporting to a day report center as a condition of probation; authorizing day report center programs to provide services based on the results of a person's standardized risk and needs assessment; providing for graduated sanctions in response to violations of the conditions of release on probation other than absconding, committing certain new criminal conduct or violating special condition of probation; creating exceptions to new criminal conduct provisions; making standardized risk and needs assessments confidential court documents; requiring copies of graduated sanctions confinement orders be supplied to the Commissioner of Corrections; providing that graduated sanctions confinement be paid by the Division of Corrections; providing that judges may depart from graduated sanctions limitations upon specific written findings; revising eligibility requirements for accelerated parole program; providing that parole applications may be considered by the Parole Board without prior submission of a home plan; requiring that Division of Corrections' policies and procedures for developing a rehabilitation treatment plan include the use of substance abuse assessment tools and prioritize treatment resources based on the risk and needs assessment and substance abuse assessment results; providing for rebuttable presumption that

parole is appropriate for inmates completing the accelerated parole program and a rehabilitation treatment program; providing standards and limitations for Parole Board; outlining duties of the Division of Corrections to supervise, treat and provide support services for persons released on mandatory supervised release; removing temporal standard for requirement that the Parole Board have access to a copy of an inmate's physical, mental or psychiatric examination; clarifying the Parole Board's duty to notify prosecuting attorneys of an offender's release on parole; authorizing Division of Corrections to employ directors of housing and employment for released inmates with duties relating to the reduction of parole release delays and finding employment; requiring parole officers to update the standardized risk and needs assessment for each person for whom an assessment has not been conducted for parole and to supervise each person according to the assessment and the commissioner's supervision standards; authorizing the Commissioner of Corrections to issue a certificate authorizing an eligible parole officer to carry firearms or concealed weapons; providing standards and limitations under which the Division of Corrections may order substance abuse treatment or impose a term of reporting to a day report center or other community corrections program as a condition or modification of parole; authorizing the Commissioner of Corrections to enter into a master agreement with the Division of Justice and Community Services to reimburse counties for use of the community corrections programs; clarifying that parolee participation in community corrections is at program director's discretion; providing for graduated sanctions in response to violations of the conditions of release on parole other than absconding, certain new criminal conduct or violating a special condition of parole; providing a parolee with the right to a hearing, upon request, regarding whether he or she violated the conditions of his or her release on parole; providing the authority for the Parole Board to depart from graduated sanction; providing that graduated sanctions incarceration for parolees be paid for by Division of Corrections; providing for a Community Supervision Committee to be appointed by the Administrative Director of the Supreme Court of Appeals of West Virginia to coordinate the

sharing of information for community supervision and requiring an annual report; revising definitions for Drug Offender Accountability and Treatment Act; requiring all judicial circuits to participate in a drug court or regional drug court program by July 1, 2016; providing standards and limitations under which judges may order treatment supervision for drug offenders; providing that a judge may order a period of confinement to encourage compliance with treatment supervision to be paid by the Division of Corrections for up to thirty days for each instance; requiring the Division of Justice and Community Services to use appropriated funds to implement substance abuse treatment to serve those under treatment supervision in each judicial circuit; providing that the Division of Justice and Community Services in consultation with the Governor's Advisory Committee on Substance Abuse is responsible for developing standards relating to quality and delivery of substance abuse services; requiring certain education and training; paying for drug abuse assessments and certified drug treatment from appropriated funds; requiring submittal of an annual report and specifying an effective date; outlining duties of treatment supervision service providers; providing effective dates for provisions related to treatment supervision; providing for state payment of drug court participants' incarceration under certain circumstances; defining terms; and making technical changes.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 371, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 371) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect July 1, 2013, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 401, Relating to Board of Registration for Professional Engineers.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page five, section thirteen, line forty-three, by striking out the word “forgoing” and inserting in lieu thereof the word “foregoing”;

On page five, section thirteen, line fifty-three, by striking out the word “possessing” and inserting in lieu thereof the word “possesses”;

On page six, section thirteen, lines fifty-nine through sixty-five, by striking out all of subdivision (2) and inserting in lieu thereof a new subdivision, designated subdivision (2), to read as follows:

(2) Holds a valid council record with NCEES, which is the compilation of documents maintained by NCEES of an applicant's qualifications as a professional engineer, including official transcripts, engineering examination results, employment verifications and references, which indicates that the applicant meets the requirements of this article.;

On page six, section thirteen, line seventy-one, after the word "engineer" by changing the comma to a period;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 401—A Bill to amend and reenact §30-13-6, §30-13-13, §30-13-15 and §30-13-17 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-13-13a, all relating to the Board of Registration for Professional Engineers; providing requirements for registration and certification of engineers, engineer interns and engineering businesses; providing for compensation of, and reimbursement for, members of the board at same rate as legislative interim pay; providing for registration of engineers generally; adding additional classifications of registration; setting forth qualifications for engineer interns; establishing designations for engineers ineligible to practice; updating examination provisions to comport with changes at the national level; providing emergency rule-making authority to comply with changes in standardized tests; and clarifying the certificate of authorization requirements.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 401, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 401) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 401) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as

amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill No. 407, Requiring cellular and phone companies provide certain information to Bureau for Child Support Enforcement.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

Eng. Senate Bill No. 407—A Bill to amend and reenact §48-18132 of the Code of West Virginia, 1931, as amended, relating to child support enforcement; locating parents for the purpose of establishing paternity or for establishing support; locating parents for the purpose of modifying, enforcing or distributing proceeds from support orders; and authorizing the Bureau for Child Support Enforcement to obtain names of addresses of customers and customer employers from customer records maintained by telephone companies and cellular telephone companies by administrative subpoena.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Senate Bill No. 407, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 407) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 426, Relating to filings under Uniform Commercial Code as to secured transactions.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §46-4A-108 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §46-9-510, §46-9-516, §46-9-521 and §46-9-525 of said code be amended and reenacted; and that said code be amended by adding thereto a new section, designated §46-9-516a, all to read as follows:

ARTICLE 4A. FUNDS TRANSFERS.

§46-4A-108. Relationship to Electronic Fund Transfer Act.

(a) This Except as provided in subsection (b) of this section, this article does not apply to a funds transfer any part of which is governed by the Electronic Fund Transfer Act of 1978 (Title XX, Public Law 95-630, 92 Stat. 3728, 15 U. S. C. §1693, et seq.) as amended from time to time.

(b) This article applies to a funds transfer that is a remittance transfer as defined in the Electronic Fund Transfer Act (15 U. S. C. §1693o-1) as amended from time to time, unless the remittance transfer is an electronic fund transfer as defined in the Electronic Fund Transfer Act (15 U. S. C. §1693a) as amended from time to time.

(c) In a funds transfer to which this article applies, in the event of an inconsistency between an applicable provision of this article and an applicable provision of the Electronic Fund Transfer Act, the provision of the Electronic Fund Transfer Act governs to the extent of the inconsistency.

ARTICLE 9. SECURED TRANSACTIONS; SALES OF ACCOUNTS AND CHATTEL PAPER.**§46-9-510. Effectiveness of filed record.**

(a) *Filed record effective if authorized.* – A filed record is effective only to the extent that it was filed by a person that may file it under section 9-509.

(b) *Authorization by one secured party of record.* – A record authorized by one secured party of record does not affect the financing statement with respect to another secured party of record.

(c) *Continuation statement not timely filed.* – A continuation statement that is not filed within the six-month period prescribed by section 9-515(d) is ineffective.

(d) A filed record ceases to be effective if the filing office terminates the record pursuant to section 9-516(a).

§46-9-516. What constitutes filing; effectiveness of filing.

(a) *What constitutes filing.* – Except as otherwise provided in subsection (b) of this section, communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

(b) *Refusal to accept record; filing does not occur.* – Filing does not occur with respect to a record that a filing office refuses to accept because:

(1) The record is not communicated by a method or medium of communication authorized by the filing office;

(2) An amount equal to or greater than the applicable filing fee is not tendered;

(3) The filing office is unable to index the record because:

(A) In the case of an initial financing statement, the record does not provide a name for the debtor;

(B) In the case of an amendment or information statement, the record:

(i) Does not identify the initial financing statement as required by section 9-512 or 9-518, as applicable; ~~or~~

(ii) Identifies an initial financing statement whose effectiveness has lapsed under section 9-515; or

(iii) Identifies an initial financing statement which was terminated pursuant to section 9-516(a);

(C) In the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's surname; or

(D) In the case of a record filed or recorded in the filing office described in section 9-501(a)(1), the record does not provide a sufficient description of the real property to which it relates; or

(E) In the case of a record submitted to the filing office described in section 9-501(a)(1), the filing office has reason to believe, from information contained in the record or from the person that communicated the record to the office, that:

(i) If the record indicates that the debtor is a transmitting utility, the debtor does not meet the definition of a transmitting utility as described in section 9-102(a)(81);

(ii) If the record indicates that the transaction relating to the record is a manufactured home transaction, the transaction does not meet the definition of a manufactured home transaction as described in section 9-102(a)(54); or

(iii) If the record indicates that the transaction relating to the record is a public finance transaction, the transaction does not meet the definition of a public finance transaction as described in section 9-102(a)(70);

(4) In the case of an initial financing statement or an amendment, if the filing office believes in good faith that the record was communicated to the filing office in violation of section 9-516(a);

~~(4)~~ (5) In the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record;

~~(5)~~ (6) In the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

(A) Provide a mailing address for the debtor;

(B) Indicate whether the name provided as the name of the debtor is the name of an individual or an organization;

~~(6)~~ (7) In the case of an assignment reflected in an initial financing statement under section 9-514(a) or an amendment filed under section 9-514(b), the record does not provide a name and mailing address for the assignee; or

~~(7)~~ (8) In the case of a continuation statement, the record is not filed within the six-month period prescribed by section 9-515(d).

(c) *Rules applicable to subsection (b).* – For purposes of subsection (b):

(1) A record does not provide information if the filing office is unable to read or decipher the information; and

(2) A record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by section 9-512, 9-514 or 9-518, is an initial financing statement.

(d) *Refusal to accept record; record effective as filed record.* – A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one set forth in subsection (b) of this section, is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.

~~(e) *Administrative review.* — If the Secretary of State determines that a financing statement which identifies a public official or employee as a debtor is fraudulent or that an individual debtor and an individual secured party would appear to be the same individual on the financing statement or that the individual debtor claims to be a transmitting utility, without supporting documents, the Secretary may commence administrative proceedings to remove the statement from its records in accordance with the provisions of article five, chapter twenty-nine-a of this code.~~

~~(1) Upon the commencement of proceedings pursuant to this subsection, the Secretary of State shall identify the financing statement in its records as subject to administrative review and publish a notice in the *West Virginia Register* regarding the proceedings.~~

~~(2) A financing statement may be found to be fraudulent only if, based upon clear and convincing evidence, no good faith basis exists upon which to conclude that the secured party was authorized to file the statement and the statement was submitted for the purpose of harassment or intimidation or fraudulent intent of the alleged debtor.~~

~~(3) If upon the completion of administrative review, it is determined that the filing of a financing statement was fraudulent, the filing party shall be assessed all costs incurred by the Secretary in reaching a final determination, including reimbursement for all costs of the hearing. The filing party may also be subject to a civil penalty not exceeding \$500 per fraudulent filing. If upon completion of administrative review or any subsequent appeal of a decision of the Secretary of State, it is determined that a filing subject to appeal is not fraudulent, the secretary or court may award the prevailing party reasonable costs and expenses, including attorney fees.~~

~~(4) The Secretary of State shall annually submit a report to the Legislature regarding actions taken against fraudulent filings pursuant to this section which identifies the number and~~

characteristics of such proceedings, identifies any creditors found to have made fraudulent filings, describes proceedings initiated by the secretary in which it is ultimately determined that fraudulent filings did not occur, describes the number and type of complaints received by the secretary in which it is alleged that fraudulent filings have occurred, and describes the actions taken by the secretary to investigate complaints concerning allegedly fraudulent filings and the results of the investigations:

(5) A decision by the secretary to remove a financing statement determined to have been fraudulently filed subject to appeal de novo to the circuit court of Kanawha County. Pending the outcome of an appeal, the financing statement may not be removed from the records of the Secretary, but shall be identified in the records as having been adjudicated to be fraudulent, subject to a pending appeal by the putative creditor.

(6) A financing statement filed by a regulated financial institution is not subject to the provisions of this section. For the purposes of this section, a regulated financial institution is a bank, bank and trust company, trust company, savings bank, savings association, building and loan association, credit union, consumer finance company, insurance company, investment company, mortgage lender or broker, securities broker, dealer or underwriter, or other institution chartered, licensed, registered or otherwise authorized under federal law, the law of this state or any other state, to engage in secured lending.

§46-9-516a. Filing fraudulent records; civil and criminal penalties; administrative proceedings; immunity from liability.

(a) No person may cause to be communicated to the filing office for filing a false record the person knows or reasonably should know:

(1) Is not authorized or permitted under sections 9-509, 9-708 or 9-808; and

(2) Is filed with the intent to harass or defraud the person identified as debtor in the record or any other person.

(b) Any person who violates subsection (a) of this section shall, for a first offense, be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1000 or, in the discretion of the court, be confined in jail not more than twelve months, or both fined and confined. Any person who violates subsection (a) of this section shall, for a second or subsequent offense, be guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one nor more than five years.

(c) Any person who violates subsection (a) of this section is liable in a civil action to each injured person for:

(1) The greater of the actual damages caused by the violation or up to \$10,000 in lieu of actual damages;

(2) Reasonable attorney fees;

(3) Court costs and other related expenses of bringing an action including reasonable investigative expenses; and

(4) In the discretion of the court, punitive damages in an amount determined by the court or jury.

(d) A person identified as a debtor in a filed record the person believes was caused to be communicated to the filing office in violation of subsection (a) of this section may, under penalty of perjury, file with the Secretary of State an affidavit to that effect. The Secretary of State shall adopt and make available a form affidavit for use under this section.

(e) Upon receipt of an affidavit filed under this section, or upon administrative action by the Secretary of State, the Secretary of State shall communicate to the secured party of record on the record

to which the affidavit or administrative action relates and to the person who communicated the record to the filing office, if different and known to the office, a request for additional documentation supporting the effectiveness of the record. The Secretary of State shall review all such documentation received within thirty days after the first request for additional documentation is sent if the Secretary of State has a reasonable basis for concluding that the record was communicated to the filing office in violation of subsection (a) of this section.

The Secretary of State may initiate an administrative action under this subsection with regard to a filed record if the Secretary of State has reason to believe, from information contained in the record or obtained from the person who communicated the record to the filing office, that the record was communicated to the filing office in violation of subsection (a) of this section. The Secretary of State may give heightened scrutiny to a record that indicates the debtor is a transmitting utility or that indicates the transaction to which the record relates is a manufactured home transaction or a public finance transaction.

(f) The Secretary of State may not charge a fee to file an affidavit under this section and may not return a fee paid for filing a record terminated under this section.

(g) The Secretary of State shall promptly communicate to the secured party of record a notice of the termination of a record under subsection (e) of this section. A secured party of record who believes in good faith that the record was not communicated to the filing office in violation of subsection (a) of this section may file an action to require that the record be reinstated by the filing office. A person who communicated a record to the filing office that the filing office rejected in reliance on section 9-516(b)(4), who believes in good faith that the record was not communicated to the filing office in violation of section 9-516(b)(4), may file an action to require that the record be accepted by the filing office. The jurisdiction for the action is the circuit court of Kanawha County.

(h) If the court determines that a record terminated under this section or rejected in reliance on section 9-516(b)(4) should be reinstated or accepted, the court shall provide a copy of an order to that effect to the Secretary of State. On receipt of an order reinstating a terminated record, the Secretary of State shall refile the record along with a notice indicating that the record was refiled pursuant to this section and its initial filing date. On receipt of an order requiring that a rejected record be accepted, the Secretary of State shall promptly file the record along with a notice indicating that the record was filed pursuant to this section and the date on which it was communicated for filing. A rejected record that is filed pursuant to an order of a court shall have the effect described in section 9516(d) for a record the filing office refuses to accept for a reason other than one set forth in section 9-516(b).

(i) A terminated record that is refiled under subsection (h) of this section is effective as a filed record from the initial filing date. If the period of effectiveness of a refiled record would have lapsed during the period of termination, the secured party may file a continuation statement within thirty days after the record is refiled and the continuation statement has the same effect as if it had been filed during the six-month period described in section 9-515(d). A refiled record is considered never to have been ineffective against all persons and for all purposes except that it is not effective as against a purchaser of the collateral that gave value in reasonable reliance on the absence of the record from the files.

(j) Neither the filing office nor any of its employees incur liability for the termination or failure to accept a record for filing in the lawful performance of the duties of the office or employee.

(k) This section does not apply to a record communicated to the filing office by a regulated financial institution or by a representative of a regulated financial institution, except that the Secretary of State may request from the secured party of record on the record or from the person that communicated the record to the filing office, if different and known to the office, additional documentation

supporting that the record was communicated to the filing office by a regulated financial institution or by a representative of a regulated financial institution. For the purposes of this section the term “regulated financial institution” means a financial institution subject to regulatory oversight or examination by a state or federal agency and includes banks, savings banks, savings associations, building and loan associations, credit unions, consumer finance companies, industrial banks, industrial loan companies, investment funds, installment sellers, mortgage servicers, sales finance companies and leasing companies.

(l) If a record was communicated to the filing office for filing before the effective date of this section, and its communication would have constituted a violation of subsection (a) of this section if it had occurred on or after the effective date of this section:

(i) Subsections (b) and (c) are not applicable; and

(ii) The remaining subsections of this section are applicable.

§46-9-521. Written financing statement and amendment thereto.

(a) *Initial financing statement.* – A filing office that accepts written records may not refuse to accept a written initial financing statement except for a reason set forth in section 9-516(b): *Provided*, That the written record must be on the most recent revision of the appropriate form as approved by the International Association of Commercial Administrators.

(b) *Amended financing statement.* – A filing office that accepts written records may not refuse to accept an amended written record except for a reason set forth in section 9-516(b): *Provided*, That the written record must be on the most recent revision of the appropriate form as approved by the International Association of Commercial Administrators.

§46-9-525. Fees.

(a) *Initial financing statement or other record: General rule.* – Except as otherwise provided in subsection (e) of this section, the fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in subsection (b) of this section, is the amount specified in subsection (c) of this section, if applicable, plus:

(1) ~~Ten~~ Twenty dollars if the record is communicated in writing and consists of one or two pages; and

(2) ~~Ten~~ Twenty dollars if the record is communicated in writing and consists of more than two pages; and

(3) ~~Ten~~ Twenty dollars if the record is communicated by another medium authorized by filing-office rule.

(b) *Initial financing statement: Public-finance and manufactured housing transactions.* – Except as otherwise provided in subsection (e) of this section, the fee for filing and indexing an initial financing statement of the following kind is the amount specified in subsection (c) of this section, if applicable, plus:

(1) ~~Ten~~ Twenty dollars if the financing statement indicates that it is filed in connection with a public-finance transaction;

(2) ~~Ten~~ Twenty dollars if the financing statement indicates that it is filed in connection with a manufactured-home transaction.

(c) *Number of names.* – The number of names required to be indexed does not affect the amount of the fee in subsections (a) and (b) of this section.

(d) *Response to information request.* – The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor, is:

(1) ~~Five~~ Ten dollars if the request is communicated in writing;

(2) ~~Five~~ Ten dollars if the request is communicated by another medium authorized by filing-office rule; and

(3) ~~Fifty cents~~ One dollar per page for each active lien.

(e) *Record of mortgage.* – This section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under section 9-502(c) ~~of this article~~. However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply.

(f) *Deposit of funds.* – All fees and moneys collected by the Secretary of State pursuant to the provisions of this article shall be deposited by the Secretary of State as follows: One-half shall be deposited in the special revenue account created by section 59-159(c)(4)(B), to provide civil legal services for low income persons, ~~one-fourth~~ shall be deposited in the state fund, general revenue, and ~~one-half~~ one-fourth shall be deposited in the service fees and collections account established by section ~~two, article one, chapter fifty-nine of this code~~ 59-1-2 for the operation of the office of the Secretary of State. Any balance remaining on June 30, 2001, in the existing special revenue account entitled “uniform commercial code” as established by chapter two hundred four, acts of the Legislature, 1989 regular session, shall be transferred to the service fees and collections account established by section ~~two, article one, chapter fifty-nine of this code~~ 59-1-2 for the operation of the office of the Secretary of State. The Secretary of State shall dedicate sufficient resources from that fund or other funds to provide the services required in this article, unless otherwise provided by appropriation or other action by the Legislature.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 426—A Bill to amend and reenact §46-4A-108 of the Code of West Virginia, 1931, as amended; to amend and reenact §46-9-510, §46-9-516, §46-9-521 and §46-9-525 of said code; and to amend said code by adding thereto a new section, designated §46-9-516a, all relating to amending the Uniform Commercial Code; clarifying the relationship between article 4A of the West Virginia code and the federal Electronic Fund Transfer Act; resolving conflicts between federal and state law; providing for the effectiveness of filed records; creating additional authority to refuse to accept a record for filing; creating circumstances under which a record filing is false; providing criminal penalties for filing or attempting to file a false record; providing civil penalties for filing or attempting to file a false record; setting forth an administrative procedure initiated by the Secretary of State or a person identified as a debtor on a record; requiring party to an adverse administrative decision by the Secretary of State to file action in Kanawha County Circuit Court if the party wishes to have the Secretary of State's decision reversed; exempting the filing office and its employees from liability; exempting filings by a regulated financial institution or its representatives from certain provisions; clarifying the applicability of provisions to records filed prior to the effective date of this article; increasing fees for filing financing statements or other records in secured transactions; increasing fees for responding for requests for information related to secured transactions; and requiring that the increase in fees be deposited in the existing Fund for Civil Legal Services for Low Income Persons.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 426, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 426) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill No. 441, Relating to withdrawal of erroneous state tax liens.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page six, section twelve, lines seventy-nine and eighty, by striking out the words “for recordation shall be signed and delivered to the taxpayer by the proper officer” and inserting in lieu thereof the following: “shall be issued in duplicate. One copy shall be

forwarded to the taxpayer, and the other copy shall be forwarded to the clerk of the county commission of the county wherein the lien is recorded. The clerk of the county commission shall record the withdrawal of lien without payment of any fee”;

And,

On page seven, section two, lines nineteen and twenty, by striking out the words “for recordation shall be signed and delivered to the taxpayer by the proper officer” and inserting in lieu thereof the following: “shall be issued in duplicate. One copy shall be forwarded to the taxpayer, and the other copy shall be forwarded to the clerk of the county commission of the county wherein the lien is recorded. The clerk of the county commission shall record the withdrawal of lien without payment of any fee”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 441, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 441) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect July 1, 2013, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 454,
Relating to taxation of alternative motor fuels.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page four, section two, line twenty-four, after the word “propel” by inserting the words “or operate”;

On page twenty-five, section two, line four hundred twenty-four, after the word “propel” by inserting the words “or operate”;

On page sixty-three, section nineteen, lines twenty-four through thirty-seven, by striking out all of subsection (c) and inserting in lieu thereof a new subsection, designated subsection (c), to read as follows:

(c) For the calendar years beginning on or after January 1, 2014, the tax levied by this article on alternative fuel that is subject to tax at the point of imposition prescribed in section six-a of this article, shall be paid by the alternative-fuel bulk end user, provider of alternative fuel or retailer of alternative fuel on or before January 31 of every year, unless determined by the tax commissioner that payment must be made more frequently, by check, bank draft or money order payable to the tax commissioner for the amount of tax due. The tax commissioner may require all or certain taxpayers

to file tax returns and payments electronically. The return required by the tax commissioner shall accompany the payment of tax. If no tax is due, the return required by the tax commissioner shall be completed and filed on or before January 31.;

On page sixty-three, section eighteen-b, line one, by striking out the words “Effective January 1, 2004, all” and inserting in lieu thereof the word “All”;

And,

On pages sixty-six through sixty-eight, section eighteen-b, lines fifty-eight through eighty-four, by striking out all of subdivision (2) and inserting in lieu thereof a new subdivision, designated subdivision (2), to read as follows:

(2) The tax due under this article comprising the variable component of the tax due under article fourteen-c of this chapter on alternative fuel, is due and shall be collected and remitted at the time the tax imposed by section five, article fourteen-c of this chapter is due, collected and remitted.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 454, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Blair—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 454) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Blair—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 454) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 464, Regulating tanning facilities.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-45-1, §16-45-2, §16-45-3, §16-45-4 and §16-45-5, all to read as follows:

ARTICLE 45. TANNING FACILITIES.

§16-45-1. Definitions.

As used in this article:

(1) “Photo therapy device” means a device used for exposure to daylight or to specific wavelengths of light using lasers, light-emitting diodes, fluorescent lamps, dichroic lamps or very bright, full-spectrum light, usually controlled with various devices.

(2) “Tanning device” means any equipment that emits radiation used for tanning of the skin, such as a sun lamp, tanning booth or tanning bed, and includes any accompanying equipment, such as protective eye wear, timers and handrails.

(3) “Tanning facility” means any commercial location, place, area, structure or business where a tanning device is used for a fee, membership dues or other compensation.

§16-45-2. Exception for health care providers.

Nothing in this article may be construed as prohibiting any health care provider licensed under chapter thirty of this code from performing any action within the scope of his or her practice that results in prescribing the use of a photo therapy device to a patient regardless of the patient’s age for treatment of a medical condition.

§16-45-3. Operation standards.

(a) A tanning facility shall provide to any patron who wishes to use a tanning device located within its tanning facility a disclosure and consent form relating to use of a tanning device that contains the current United States Food and Drug Administration warning as follows: “Danger. Ultraviolet Radiation. Follow instructions. Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. REPEATED EXPOSURE MAY CAUSE PREMATURE AGING OF THE SKIN AND SKIN CANCER. WEAR PROTECTIVE EYEWEAR; FAILURE TO DO SO MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult physician before using tanning device if you are using medications or have a history of skin problems or believe yourself especially sensitive to sunlight. If you do not tan in the sun, you are unlikely to tan from use of this product.”

The disclosure and consent form must have a place for the patron’s signature and the date. A signed and dated copy of the disclosure and consent form shall be maintained by the tanning facility and remains valid for one year from the date it was signed.

(b) All patrons are required to present proof of age prior to use of a tanning device. Proof of age shall be satisfied with a driver’s license or other government-issued identification containing the date of birth and a photograph of the individual. Persons under the age of eighteen may not be permitted to use a tanning device without the prior written consent of the person’s parent or legal guardian. Photographic identification of the parent or legal guardian is required. A copy of the signed parental or legal guardian consent shall be maintained by the tanning facility and remains valid for one year from the date it was signed. Persons under the age of fourteen may not be permitted to use a tanning device.

§16-45-4. Local health department authority to inspect.

Local health departments shall have the authority to enter and inspect a tanning facility to determine compliance with the requirements of this article.

§16-45-5. Violations and penalties.

(a) Any owner of a tanning facility who fails to obtain parental consent for a minor under the age of eighteen or otherwise violates the requirements of this article is guilty of a misdemeanor and, upon conviction thereof, for a first offense, shall be fined \$100.

(b) For a second offense, the owner is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$250 nor more than \$500.

(c) For a third offense or subsequent offense, the owner is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 464, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Yost and Kessler (Mr. President)—31.

The nays were: Green, D. Hall and Williams—3.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 464) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 469, Clarifying service credit for certain PERS members.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

Eng. Com. Sub. for Senate Bill No. 469—A Bill to amend and reenact §5-10-14 and §5-10-18 of the Code of West Virginia, 1931, as amended, all relating to service credit; providing for the purchasing of retroactive service credit by certain employees; and requiring payment of reinstatement interest in the Public Employees Retirement System in certain circumstances.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Committee Substitute for Senate Bill No. 469, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins,

Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 469) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 482, Relating to sale of voter registration lists.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page five, section thirty, lines fifty-six through sixty-three, by striking out all of subsection (d) and inserting in lieu thereof a new subsection, designated subsection (d), to read as follows:

(d) The fees received by the clerk of the county commission shall be kept in a separate fund under the supervision of the clerk and may be used for the purpose of defraying the cost of the preparation

of the voter lists. ~~Any unexpended balance in the fund shall be transferred to the General Fund of the county commission. After deducting the costs of preparing voter lists, the clerk shall deposit the net proceeds from the sale of the voter lists in the State Election Fund as set forth in subsection (b), section forty-eight, article one of this chapter.~~

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 482, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 482) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill No. 515, Relating to use of television receivers and other devices in vehicles.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 15. EQUIPMENT.

§17C-15-42. Video screens, video monitors and television receivers in view of driver prohibited; exceptions.

(a) No motor vehicle shall ~~may~~ be operated on ~~any a~~ street or highway in this state when equipped with a television receiver, video monitor, television or video screen unless such receiver is so placed that the screen or picture tube of such receiver is visible only in the rear seat of such motor vehicle and not in view of the operator of such motor vehicle. the receiver, screen or monitor is configured so that the moving images are not in view of the operator while the vehicle is in motion, or it falls within one or more of the categories set forth in subsections (b) or (c) of this section.

(b) This prohibition does not apply to the following equipment installed in a vehicle:

(1) A visual display if it does not show video or television broadcast images in view of the operator while the motor vehicle is in motion;

(2) A global positioning device;

(3) A mapping display;

(4) A visual display used to enhance or supplement the driver's view forward, behind or to the sides of a motor vehicle for the purpose of maneuvering the vehicle;

(5) A visual display used to enhance or supplement a driver's view of vehicle occupants; or

(6) Television-type receiving equipment used exclusively for safety or traffic engineering information.

(c) A television receiver, video monitor, television or video screen or other similar means of visually displaying a television broadcast or video signal is not prohibited if the equipment has an interlock device that, when the motor vehicle is driven, disables the equipment for all uses except as a visual display described in subdivisions (1) through (6), subsection (b) of this section.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 515 –A Bill to amend and reenact §17C-1542 of the Code of West Virginia, 1931, as amended, relating to equipment installed in motor vehicles; prohibiting video screens, video monitors, televisions and television receivers in view of the driver while a motor vehicle is in motion; exceptions; restrictions; conditions for use; and inapplicability of prohibition to specific devices.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 515, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 515) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill No. 523, Making supplementary appropriation of unappropriated moneys to various accounts.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the total appropriation for the fiscal year ending June 30, 2013, to fund 1058, fiscal year 2013, organization 0100, be supplemented and amended to read as follows:

TITLE II - APPROPRIATIONS.

Section 3. Appropriations from other funds.

EXECUTIVE

*100-Governor's Office
Minority Affairs Fund*

(WV Code Chapter 5)

Fund 1058 FY 2013 Org 0100

	Act- ivity		Other Funds
1 Personal Services	001	\$	125,000
2 Annual Increment	004		1,000
3 Employee Benefits	010		46,800
4 Current Expense	130		<u>503,200</u>
5 Total		\$	676,000

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 8664, fiscal year 2013, organization 0932, be supplemented and amended to read as follows:

TITLE II - APPROPRIATIONS.

Section 3. Appropriations from other funds.

DEPARTMENT OF EDUCATION AND THE ARTS

*155-State Board of Rehabilitation -
Division of Rehabilitation Services -*

*West Virginia Rehabilitation Center -
Special Account*

(WV Code Chapter 18)

Fund 8664 FY 2013 Org 0932

	Act- ivity	Other Funds
1 Personal Services	001	\$ 75,000
2 Employee Benefits	010	20,738
3 Current Expenses	130	2,289,622
4 Repairs and Alterations	064	150,000
5 Equipment	070	220,000
6 Other Assets	690	<u>150,000</u>
7 Total		\$ 2,905,360

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 5156, fiscal year 2013, organization 0506, be supplemented and amended by increasing existing items of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 3. Appropriations from other funds.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

*175-Division of Health -
Hospital Services Revenue Account -
Special Fund -
Capital Improvement, Renovation and Operations*

(WV Code Chapter 16)

Fund 5156 FY 2013 Org 0506

	Act- ivity		Other Funds
1 Institutional Facilities			
2 Operations (R)	335	\$	5,000,000
3 Medical Services Trust Fund -			
4 Transfer (R)	512		2,500,000

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 5204, fiscal year 2013, organization 0506, be supplemented and amended by increasing existing items of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 3. Appropriations from other funds.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

*179-Division of Health -
Lead Abatement Account*

(WV Code Chapter 16)

Fund 5204 FY 2013 Org 0506

	Act- ivity		Other Funds
1 Personal Services	001	\$	3,000
2 Employee Benefits	010		2,076

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 6501, fiscal year 2013, organization 0612, be supplemented and amended by adding a new item of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 3. Appropriations from other funds.

**DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY**

*196-West Virginia State Police -
Motor Vehicle Inspection Fund*

(WV Code Chapter 17C)

Fund 6501 FY 2013 Org 0612

	Act- ivity		Other Funds
6a Buildings	258	\$	534,000

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 7253, fiscal year 2013, organization 0706, be supplemented and amended by adding a new item of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 3. Appropriations from other funds.

DEPARTMENT OF REVENUE

223-Municiple Bond Commission -

(WV Code Chapter 13)

Fund 7253 FY 2013 Org 0706

	Act- ivity		Other Funds
4a Equipment	070	\$	247,500

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 8254, fiscal year 2013, organization 0806, be supplemented and amended to read as follows:

TITLE II - APPROPRIATIONS.

Section 3. Appropriations from other funds.

DEPARTMENT OF TRANSPORTATION

*233-Public Port Authority -
Special Railroad and Intermodal Enhancement Fund*

(WV Code Chapter 17)

Fund 8254 FY 2013 Org 0806

	Act- ivity		Other Funds
1 Current Expenses	130	\$	250,000
2 Other Assets	690		<u>7,750,000</u>
5 Total		\$	8,000,000

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 8520, fiscal year 2013, organization 0907, be supplemented and amended by increasing an existing item of appropriation and by adding a new item of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 3. Appropriations from other funds.

MISCELLANEOUS BOARDS AND COMMISSIONS

248-WV Board of Examiners for Registered Professional Nurses -

(WV Code Chapter 30)

Fund 8520 FY 2013 Org 0907

	Act- ivity	Other Funds
6 Equipment	070	5,000
6a Other Assets	690	5,000

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 8680, fiscal year 2013, organization 0936, be supplemented and amended by increasing existing items of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 3. Appropriations from other funds.

MISCELLANEOUS BOARDS AND COMMISSIONS

256-WV Board of Licensed Dietitians -

(WV Code Chapter 30)

Fund 8680 FY 2013 Org 0936

	Act- ivity		Other Funds
1 Personal Services	001	\$	2,500
2 Employee Benefits	010		382

The purpose of this supplemental appropriation bill is to supplement, amend, increase, decrease and add items of appropriations in the aforesaid accounts for the designated spending units for expenditure during the fiscal year 2013.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 523—A Bill making a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2013, to the Governor’s Office, Minority Affairs Fund, fund 1058, fiscal year 2013, organization 0100, to the Department of Education and the Arts, State Board of Rehabilitation - Division of Rehabilitation Services - West Virginia Rehabilitation Center - Special Account, fund 8664, fiscal year 2013, organization 0932, to the Department of Health and Human Resources, Division of Health - Hospital Services Revenue Account, Special Fund, Capital Improvements, Renovation and Operations, fund 5156, fiscal year 2013, organization 0506, to the Department of Military Affairs and Public Safety, West Virginia State Police, fund 6501, fiscal year 2013, organization 0612, to the Department of Health and Human Resources, Division of Health - Lead Abatement Account, fund 5204, fiscal year 2013, organization 0506, to the Department of Revenue, Municipal Bond Commission, fund 7253, fiscal year 2013, organization 0706, to the Department of Transportation, Public Port Authority - Special Railroad and Intermodal Enhancement Fund, fund 8254, fiscal year 2013, organization 0806, to the Miscellaneous Boards and Commissions, WV Board of Examiners for Registered Professional Nurses, fund 8520, fiscal year 2013, organization 0907, and to the Miscellaneous Boards and Commissions, WV Board of Licensed Dietitians, fund 8680, fiscal year 2013, organization 0936, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 523, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 523) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 523) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill No. 525, Making supplementary appropriation of federal funds to various accounts.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page eight, line ten, by striking out “200,000” and inserting in lieu thereof “750,000”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill No. 525, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Barnes—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 525) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Barnes—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 525) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 535, Relating to process for maintaining voter registration lists.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-3. Persons entitled to vote.

Citizens of the state shall be entitled to vote at all elections held within the precincts of the counties and municipalities in which they respectively reside. But no person who has not been registered as a voter as required by law, or who is a minor, or of ~~unsound mind~~ who has been declared mentally incompetent by a court of competent jurisdiction, or who is under conviction of treason, felony or bribery in an election, or who is not a bona fide resident of the state, county or municipality in which he or she offers to vote, shall be permitted to vote at such election while such disability continues, unless otherwise specifically provided by federal or state code. Subject to the qualifications otherwise prescribed in this section, however, a minor shall be permitted to vote only in a primary election if he or she will have reached the age of eighteen years on the date of the general election next to be held after such primary election.

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-2. Eligibility to register to vote.

(a) Any person who possesses the constitutional qualifications for voting may register to vote. To be qualified, a person must be a citizen of the United States and a legal resident of West Virginia and of the county where he or she is applying to register, shall be at least eighteen years of age, except that a person who is at least seventeen years of age and who will be eighteen years of age by the time of the next ensuing general election may also be permitted to register, and shall not be otherwise legally disqualified: *Provided*, That a registered voter who has not reached eighteen years of age may vote both partisan and nonpartisan ballots in a federal, state,

~~or county, municipal or special primary election, but may only vote in a municipal primary election if he or she will be eighteen years of age by the time of the next municipal corresponding general election. but is not eligible to vote in a special election.~~

(b) Any person who has been convicted of a felony, treason or bribery in an election, under either state or federal law, is disqualified and is not eligible to register or to continue to be registered to vote while serving his or her sentence, including any period of incarceration, probation or parole related thereto. Any person who has been ~~determined to be~~ declared mentally incompetent by a court of competent jurisdiction is disqualified and shall not be eligible to register or to continue to be registered to vote for as long as that ~~determination remains in effect~~ disability continues.

§3-2-4a. Statewide voter registration database.

(a) The Secretary of State shall implement and maintain a single, official, statewide, centralized, interactive computerized voter registration list database of every legally registered voter in the state, ~~which shall include the following as follows:~~

(1) ~~The computerized list~~ statewide voter registration database shall serve as the single system for storing and managing the official list of registered voters throughout the state.

(2) ~~The computerized list~~ statewide voter registration database shall contain the name, registration information and voter history of every legally registered voter in the state.

(3) ~~Under the computerized list,~~ In the statewide voter registration database, the Secretary of State shall assign a unique identifier to each legally registered voter in the state.

(4) ~~The computerized list~~ statewide voter registration database shall be coordinated with other agency databases within the state; ~~including, but not limited to, the vital statistics database~~

~~maintained by the Department of Health and Human Resources. The Department of Health and Human Resources by January 31st of each calendar year shall provide to each county clerk a list from this database of all decedents in that county in the preceding year and shall provide to the Secretary of State the list of all decedents in the state in the preceding year. and elsewhere, as appropriate.~~

(5) The Secretary of State, ~~and~~ any clerk of the county commission or any authorized designee of the Secretary of State or clerk of the county commission may obtain immediate electronic access to the information contained in the ~~computerized list~~ statewide voter registration database.

(6) The clerk of the county commission shall electronically enter voter registration information into the ~~computerized list~~ statewide voter registration database on an expedited basis at the time the information is provided to the clerk.

(7) The Secretary of State shall provide necessary support to enable every clerk of the county commission in the state to enter information as described in subdivision (6) of this subsection.

(8) The ~~computerized list~~ statewide voter registration database shall serve as the official voter registration list for conducting all elections in the state.

(b) The Secretary of State or any clerk of a county commission shall perform maintenance with respect to the ~~computerized list~~ statewide voter registration database on a regular basis as follows:

(1) If an individual is to be removed from the ~~computerized list~~ statewide voter registration database, he or she shall be removed in accordance with the provisions of 42 U. S. C. §1973gg, *et seq.*, the National Voter Registration Act of 1993.

(2) The Secretary of State shall coordinate the ~~computerized list~~ statewide voter registration database with state agency records and

~~remove the shall establish procedures for the removal of names of individuals who are not qualified to vote because of felony status or death. : *Provided*, That no~~ No state agency may withhold information regarding a voter's status as deceased or as a felon unless ordered by a court of law. : *Provided further*, the Secretary of State shall, in each calendar year, certify that the removal of individuals who are not qualified to vote because of a felony conviction as provided in section two of this article or death is completed at least thirty days preceding the date of any primary election.

(c) The list maintenance performed under subsection (b) of this section shall be conducted in a manner that ensures that:

(1) The name of each registered voter appears in the ~~computerized list~~ statewide voter registration database;

(2) Only voters who are not registered, ~~who have requested in writing that their voter registration be canceled~~ or who are not eligible to vote are removed from the ~~computerized list~~ statewide voter registration database;

(3) Duplicate names are eliminated from the ~~computerized list~~ statewide voter registration database; and

(4) Deceased ~~individuals~~ individuals' names are eliminated from the ~~computerized list~~ statewide voter registration database.

(d) The Secretary of State and the clerks of all county commissions shall provide adequate technological security measures to prevent the unauthorized access to the ~~computerized list~~ statewide voter registration database established under this section.

(e) The Secretary of State shall ensure that voter registration records in the state are accurate and updated regularly, including the following:

(1) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under the system, consistent with 42 U. S. C. §1973gg, *et seq.*, registrants who have not responded to a notice sent pursuant to section twenty six, article two of this chapter, who have not otherwise updated their voter registration address and who have not voted in two consecutive general elections for federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote; and

(2) By participation in programs across state lines to share data specifically for voter registration to ensure that voters who have moved across state lines or become deceased in another state are removed in accordance with state law and 42 U. S. C. §1973gg, et seq.; and

~~(2)~~ (3) Safeguards Through safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.

(f) Applications for voter registration may only be accepted when the following information is provided:

(1) Except as provided in subdivision (2) of this subsection and notwithstanding any other provision of law to the contrary, an application for voter registration may not be accepted or processed unless the application includes:

(A) In the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number;

(B) In the case of an applicant who has been issued an identification card by the Division of Motor Vehicles, the applicant's identification number; or

(C) In the case of any other applicant, the last four digits of the applicant's Social Security number; and

(2) If an applicant for voter registration has not been issued a current and valid driver's license, Division of Motor Vehicles² Vehicles identification card or a Social Security number, the Secretary of State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. ~~To the extent that the state has a computerized list in effect under this section and the list assigns unique identifying numbers to registrants, the~~ The number assigned under this section subdivision shall be the unique identifying number assigned under the list statewide voter registration database.

(g) The Secretary of State and the Commissioner of the Division of Motor Vehicles shall enter into an agreement to match and transfer applicable information in ~~the database of the statewide voter registration system~~ database with information in the database of the Division of Motor Vehicles to the extent required to enable each official to verify the accuracy of the information provided on applications for voter registration.

(h) The Commissioner of the Division of Motor Vehicles shall enter into an agreement with the Commissioner of Social Security under 42 U. S. C. ~~§301~~ §401, *et seq.*, the Social Security Act. All fees associated with this agreement shall be paid for from moneys in the fund created under section twelve of this article ~~two of this chapter.~~

§3-2-18. Registration records; active, inactive, canceled, pending and rejected registration files; procedure; voting records.

(a) For the purposes of this article:

(1) "Original voter registration record" means all records submitted or entered in writing or electronically, where permitted by law, for voter registration purposes, including:

(A) Any original application or notice submitted by any person for registration or reinstatement, change of address, change of name,

change of party affiliation, correction of records, cancellation, confirmation of voter information or other request or notice for voter registration purposes; and

(B) Any original entry made on any voter's registration record at the polling place, or made or received by the clerk of the county commission relating to any voter's registration, such as records of voting, presentation of identification and proof of age, challenge of registration, notice of death or obituary notice, notice of disqualifying conviction or ruling of mental incompetence or other original document which may affect the status of any person's voter registration.

(2) "Active voter registration ~~files~~ records" means the ~~files~~ of registration records, whether ~~maintained~~ on paper forms or in ~~digitized data~~ electronic format, containing the names, addresses, birth dates and other required information for all persons within a county who are registered to vote and whose registration has not been designated as "~~inactive~~" inactive or "~~canceled~~" canceled pursuant to the provisions of this article.

(3) "Inactive voter registration ~~files~~ records" means the ~~files~~ of registration records, whether ~~maintained~~ on paper forms or in ~~digitized data~~ electronic format, containing the names, addresses, birth dates and other required information for all persons designated "~~inactive~~" inactive pursuant to the provisions of section twenty-seven of this article following the return of the prescribed notices as undeliverable at the address provided by the United States Postal Service or entered on the voter registration. ~~—For the purposes of this chapter or of any other provisions of this code relating to elections conducted under the provisions of this chapter, whenever a requirement is based on the number of registered voters, including, but not limited to, the number of ballots to be printed, the limitations on the size of a precinct, or the number of petition signatures required for election purposes, only those registrations included on the active voter registration files shall be counted and voter registrations included on the inactive voter registration files,~~

as defined in this subdivision, shall not be counted, or for failure of the contacted voter to return a completed confirmation notice within thirty days of the mailing.

(4) “Canceled voter registration files records” means the files records containing all required information for all persons who have been removed from the active and inactive voter registration files records and who are no longer registered to vote within the county.

(5) “Pending application files records” means the temporary files records containing all information submitted on a voter registration application, pending the expiration of the verification period.

(6) “Rejected application files records” means the files records containing all information submitted on a voter registration application which was rejected for reasons as described in this article.

(7) “Confirmation pending records” means the records containing all required information for persons who have been identified to be included in the next succeeding mailing of address confirmation notices as set forth by the National Voter Registration Act of 1993 (42 U. S. C. §1973gg, et seq.).

(b) For the purposes of this chapter or of any other provisions of this code relating to elections conducted under the provisions of this chapter, whenever a requirement is based on the number of registered voters, including, but not limited to, the number of ballots to be printed, the limitations on the size of a precinct, or the number of petition signatures required for election purposes, only those registrations included on the active voter registration files shall be counted and voter registrations included on the inactive voter registration files, as defined in this subdivision, shall not be counted.

~~(b)~~ (c) Active voter registration files records, confirmation pending records and inactive voter registration files records may be maintained in the same physical location ~~or database~~, providing the records are coded, marked or arranged in such a way as to make the status of the registration immediately obvious. Canceled voter registration files records, pending application files records and rejected application files ~~shall each records may~~ be maintained in separate physical locations. ~~or databases~~. However, all such records shall be maintained in the statewide voter registration database, subject to this article.

~~(e)~~ (d) The effective date of any action affecting any voter's registration status shall be entered on the voter record ~~in the appropriate file~~, including the effective date of registration, change of name, address or party affiliation or correction of the record, effective date of transfer to inactive status, return to active status or cancellation. When any registration is designated inactive or is canceled, the reason for the designation or cancellation and any reference notation necessary to locate the original documentation related to the change shall be entered on the voter record.

~~(d)~~ (e) Within one hundred twenty days after each primary, general, municipal or special election, the clerk of the county commission shall ~~as evidenced by the presence or absence of signatures on the pollbooks for such election, correct any errors or omissions on the voter registration records resulting from the poll clerks erroneously checking or failing to check the registration records as required by the provisions of section thirty-four, article one of this chapter, or shall enter the voting records into the state uniform data system if the precinct books have been replaced with printed registration books as provided in section twenty-one of this article:~~ statewide voter registration database.

§3-2-19. Maintenance of active and inactive registration records for municipal elections.

~~(a)~~ Each county shall continue to maintain a record of each active and inactive voter registration in precinct registration books

~~until the statewide voter registration system is adopted pursuant to the provisions of section four-a of this article, fully implemented and given final approval by the Secretary of State. The precinct registration books shall be maintained as follows:~~

~~(1) Each active voter registration shall be entered in the precinct book or books for the county precinct in which the voter's residence is located and shall be filed alphabetically by name, alphabetically within categories, or by numerical street address, as determined by the clerk of the county commission for the effective administration of registration and elections. No active voter registration record shall be removed from the precinct registration books unless the registration is lawfully transferred or canceled pursuant to the provisions of this article.~~

~~(2) Each voter registration which is designated "inactive" pursuant to the procedures prescribed in section twenty-seven of this article shall be retained in the precinct book for the county precinct in which the voter's last recorded residence address is located until the time period expires for which a record must remain on the inactive files. Every inactive registration shall be clearly identified by a prominent tag or notation or arranged in a separate section in the precinct book clearly denoting the registration status. No inactive voter registration record shall be removed from the precinct registration books unless the registration is lawfully transferred or canceled pursuant to the provisions of this article.~~

~~(b) (a) For municipal elections, the registration records of active and inactive voters shall be maintained as follows:~~

~~(1) County precinct books shall Clerks of the county commissions shall prepare pollbooks or voter lists to be used in municipal elections when the county precinct boundaries and the municipal precinct boundaries are the same and all registrants of the precinct are entitled to vote in state, county and municipal elections within the precinct or when the registration records of municipal voters within a county precinct are separated and maintained in a separate~~

municipal section or book for that county precinct and can be used either alone or in combination with other ~~precinct books~~ pollbooks or voter lists to make up a complete set of registration records for the municipal election precinct.

(2) Upon request of the municipality, and if the clerk of the county commission does not object, separate municipal precinct books shall be maintained in cases where municipal or ward boundaries divide county precincts and it is impractical to use county ~~precinct books~~ pollbooks or voter lists or separate municipal sections of those ~~precinct books~~ pollbooks or voter lists. If the clerk of the county commission objects to the request of a municipality for separate municipal precinct books, the State Election Commission must determine whether the separate municipal precinct books should be maintained.

(3) No registration record may be removed from a municipal registration record unless the registration is lawfully transferred or canceled pursuant to the provisions of this article in both the county and the municipal registration records.

(e) ~~(b)~~ Within thirty days following the entry of any annexation order or change in street names or numbers, the governing body of an incorporated municipality shall file with the clerk of the county commission a certified current official municipal boundary map and a list of streets and ranges of street numbers within the municipality to assist the clerk in determining whether a voter's address is within the boundaries of the municipality.

~~(d) Each county, so long as precinct registration books are maintained, shall maintain a duplicate record of every active and inactive voter registration in a county alphabetical file. The alphabetical file may be maintained on individual paper forms or, upon approval of the Secretary of State of a qualified data storage program, may be maintained in digitized format. A qualified data storage program shall be required to contain the same information for each voter registration as the precinct books, shall be subject to~~

~~proper security from unauthorized alteration and shall be regularly duplicated to backup data storage to prevent accidental destruction of the information on file.~~

§3-2-21. Maintenance of records in the statewide voter registration database in lieu of precinct record books.

(a) The clerk of the county commission of each county, ~~upon installation of the state uniform voter data system,~~ shall prepare maintain a voter registration data system record book into which all required records of appointments of authorized personnel, tests, repairs, program alterations or upgrades and any other action by the clerk of the county commission or by any other person under supervision of the clerk affecting the programming or records contained in the system, other than routine data entry, alteration, use, transfer or transmission of records shall be entered.

(b) The clerk of the county commission shall appoint all personnel authorized to add, change or transfer voter registration information within the ~~state uniform voter data system~~ statewide voter registration database, and a record of each appointment and the date of authorization shall be entered as provided in subsection (a) of this section. The assignment and confidential record of assigned system identification or authorized user code for each person appointed shall be as prescribed by the Secretary of State.

(c) Voter registration records entered into and maintained in the ~~state uniform voter data system~~ statewide voter registration database shall include the information required for application for voter registration, for maintenance of registration and voting records, for conduct of elections and for statistical purposes, as prescribed by the Secretary of State.

(d) No person shall make any entry or alteration of any voter record which is not specifically authorized by law. Each entry or action affecting the status of a voter registration shall be based on

information in an original voter registration record, as defined in section eighteen of this article.

(e) The clerk of the county commission shall maintain, within the ~~data system~~ statewide voter registration database, active and inactive voter registration ~~files~~ records, ~~confirmation pending records~~, canceled voter registration ~~files~~ records, pending application ~~files~~ records and rejected application ~~files~~ records, all as defined in section eighteen of this article.

(f) Upon receipt of a completed voter registration application, the clerk shall enter into the statewide voter registration database the information provided on the application, mark the records as pending and ~~into the pending application file~~ and initiate the verification or notice of disposition procedure as provided in section sixteen of this article. Upon completion of the verification or notice of disposition, the ~~status of the voter record~~ shall be transferred to the proper file properly noted in the statewide voter registration database.

(g) Upon receipt of an application or written confirmation from the voter of a change of address within the county, change of name, change of party affiliation or other correction to a an active voter registration record, ~~in the active voter registration file~~, the change shall be entered in the record and the required notice of disposition mailed.

(h) Upon receipt of an application or written confirmation from the an inactive voter of a change of address within the county, change of name, change of party affiliation or other correction to a registration record, ~~in the inactive voter registration file~~, any necessary change shall be entered in the record, the required notice of disposition mailed and the record ~~transferred~~ updated ~~to the active registration file or returned to active status~~, and the date of the transaction shall be recorded. Receipt of an application or written confirmation from an inactive voter that confirms the voter's current address shall be treated in the same manner.

(i) Upon receipt of a notice of death, a notice of conviction or a notice of a determination of mental incompetence, as provided for in section twenty-three of this article, the date and reason for cancellation shall be entered on the voter's record and the record status shall be ~~transferred~~ changed to the canceled. ~~voter registration file.~~

(j) Upon receipt from the voter of a request for cancellation or notice of change of address to an address outside the county pursuant to the provisions of section twenty-two of this article, or as a result of a determination of ineligibility through a general program of removing ineligible voters as authorized by the provisions of this article, the date and reason for cancellation shall be entered on the voter's record and the record status shall be ~~transferred~~ changed to the canceled. ~~voter registration file.~~

~~(k) At least once each month during a period prescribed by the Secretary of State, the clerk of the county commission of each county utilizing the state uniform voter data system shall transmit to the Secretary of State, by electronic transmission or by the mailing of one or more data disks or other approved means, a copy of the active, inactive and pending application files as of the date of transmission, for the purpose of comparison of those records to the voter registration records of other counties in the state and for any other list maintenance procedures authorized by the provisions of this article.~~

~~(l) The Secretary of State shall promulgate legislative rules pursuant to the provisions of chapter twenty-nine-a of this code establishing procedures for the elimination of separate precinct registration books as the official active and inactive voter registration files and for the use of the state uniform voter data system to maintain all files, to produce voter lists for public inspection and to produce precinct voter records for election day use. Separate precinct registration books shall be maintained pursuant to the provisions of section nineteen of this article until all necessary provisions required for the conduct of elections at the~~

~~polling place and for the implementation of the provisions of this chapter have been made. When a county is authorized to use the state uniform voter data system exclusively for all prescribed files; the clerk of the county commission shall transfer the original voter records contained in the precinct registration books to alphabetical record storage files which shall be retained in accordance with the provisions of section twenty-nine of this article, and any rules issued pursuant thereto.~~

§3-2-23. Cancellation of registration of deceased or ineligible voters.

The clerk of the county commission shall cancel the registration of a voter:

(a) (1) Upon the voter's death as verified by:

(1) (A) A death certificate from the Registrar of Vital Statistics or a notice from the Secretary of State that a comparison of the records of the registrar with the county voter registration records show the person to be deceased;

(2) (B) The publication of an obituary or other writing clearly identifying the deceased person by name, residence and age corresponding to the voter record; or

(3) (C) An affidavit signed by the parent, legal guardian, child, sibling or spouse of the voter giving the name and birth date of the voter, and date and place of death;

(b) (2) Upon receipt of an official notice from a state or federal court that the person has been convicted of a felony, of treason or bribery in an election; ~~in which event, the clerk shall enter a notation on the voter record of the date upon which the term of any sentence for such conviction will cease, unless sooner vacated by court action or pardon;~~

(e) (3) Upon receipt of a notice from the appropriate court of competent jurisdiction of a determination of a voter's mental incompetence;

(d) (4) Upon receipt from the voter registration of a written request to cancel the voter's registration, upon confirmation by the voter of a change of address to an address outside the county, upon notice from a voter registrar of another jurisdiction outside the county or state of the receipt of an application for voter registration in that jurisdiction, or upon notice from the Secretary of State that a voter registration application was accepted in another county of the state subsequent to the last registration date in the first county, as determined from a comparison of voter records; or

(e) (5) Upon failure to respond and produce evidence of continued eligibility to register following the challenge of the voter's registration pursuant to the provisions of section twenty-eight of this article; ~~or~~

(f) ~~As required under the provisions of section twenty-seven of this article.~~

§3-2-25. Systematic purging program for removal of ineligible voters from active voter registration files; comparison of data records; confirmation notices; public inspection list.

(a) ~~In any county maintaining active voter registration files in the state uniform voter data system, as defined in section twenty of this article, the~~ The systematic purging program provided for in this section shall begin no earlier than October 1 of each odd-numbered year and shall be completed no later than February 1 of the following year. The clerk of the county commission shall transmit or mail ~~on data disk to the Secretary of State a copy of the digitized records contained in the active voter registration file as of October 1, to be received by the Secretary of State no later than October 15,~~ to the Secretary of State a certification that the

systematic purging program has been completed and all voters identified as no longer eligible to vote have been canceled in the statewide voter registration database in accordance with the law no later than February 15 in the year in which the purging program is completed.

(b) ~~Upon receipt of the voter records in data format, the~~ The Secretary of State shall provide for the comparison of data records of all ~~participating~~ counties. The Secretary of State shall, based on the comparison, prepare a ~~data file or printed list~~ for each county which shall include the voter registration record for each voter shown on that county's list who appears to have registered or to have updated a voter registration in another county at a subsequent date. The resulting ~~files and/or~~ lists shall be returned to the appropriate county and the clerk of the county commission shall proceed with the confirmation procedure for those voters as prescribed in section twenty-six of this article.

(c) The Secretary of State may provide for the comparison of data records of ~~participating~~ counties with the data records of the Division of Motor Vehicles, the registrar of vital statistics and with the data records of any other state agency which maintains records of residents of the state, if the procedure is practical and the agency agrees to participate. Any resulting information regarding potentially ineligible voters shall be returned to the appropriate county and the clerk of the county commission shall proceed with the confirmation procedure as prescribed in section twenty-six of this article.

(d) The records ~~of all~~ of the voters ~~of all participating counties~~ not identified pursuant to the procedures set forth in subsections (b) and (c) of this section shall be combined for comparison with United States Postal Service change of address information, as described in section 8(c)(A) of the National Voter Registration Act of 1993 (42 U. S. C. §1973gg, *et seq.*). The Secretary of State shall contract with an authorized vendor of the United States Postal Service to perform the comparison. ~~Not less than thirty percent nor more than~~

~~fifty percent of the~~ The cost of the change of address comparison procedure shall be paid for from the combined voter registration and licensing fund established in section twelve of this article and participating counties shall reimburse the fund for the balance of the cost prorated on a per voter basis the cost of the confirmation notices, labels and postage shall be paid for by the counties.

(e) The Secretary of State shall return to each county the identified matches of the county voter registration records and the postal service change of address records.

(1) When the change of address information indicates the voter has moved to a new address within the county, the clerk of the county commission shall enter the new address on the voter record ~~in the active registration file~~ and assign the proper precinct.

(2) The clerk of the county commission shall then mail to each voter who appears to have moved from the residence address shown on the registration records a confirmation notice pursuant to section twenty-six of this article and of section 8(d)(2) of the National Voter Registration Act of 1993 (42 U. S. C. §1973gg, *et seq.*). The notice shall be mailed, no later than December 31, to the new address provided by the postal service records or to the old address if a new address is not available.

(f) The clerk of the county commission shall ~~prepare a list containing~~ indicate in the statewide voter registration database the name and address of each voter to whom a confirmation notice was mailed and the date on which the notice was mailed. ~~The list shall be titled "Systematic Purging Program Notices" and shall include the name of the county and the date of the preparation of the list and shall be arranged in alphabetical order within precincts or for the entire county.~~

(g) Upon receipt of any response or returned mailing sent pursuant to the provisions of subsection (e) of this section, the clerk shall immediately enter the date and type of response received ~~on~~ in

the list of voters prepared pursuant to the provisions of this section statewide voter registration database and shall then proceed in accordance with the provisions of section twenty-six of this article.

(h) For purposes of complying with the record keeping and public inspection requirements of the National Voter Registration Act of 1993 (42 U. S. C. §1973gg, *et seq.*), and with the provisions of section twenty-seven of this article, the public inspection lists shall be maintained either in printed form kept in a binder prepared for such purpose and available for public inspection during regular business hours at the office of the clerk of the county commission or in read-only data format available for public inspection on computer terminals set aside and available for regular use by the general public. Information concerning whether or not each person has responded to the notice shall be entered ~~onto the list~~ into the statewide voter registration database upon receipt and shall be available for public inspection as of the date the information is received.

(i) Any voter to whom a confirmation notice was mailed pursuant to the provisions of subsection (e) of this section who fails to respond to the notice or to update his or her voter registration address by February 1 immediately following the completion of the program, shall be designated inactive and ~~placed within the inactive voter registration file, as defined in section nineteen of this article.~~ in the statewide voter registration database. Any voter designated inactive shall be required to affirm his or her current residence address, on a form prescribed by the Secretary of State, upon appearing at the polls to vote.

~~(j) A county which uses a digitized data system for voter registration other than the state uniform voter data system shall conduct the systematic purging program for removal of ineligible voters from active voter registration files by contracting directly with an authorized vendor of the United States postal service for change of address information, at county expense, for the identification of potentially ineligible voters, and upon receipt of the~~

~~list of matches, shall perform the steps required by the provisions of subsections (e) through (i) of this section within the same time limits and procedures required for those counties participating in the state approved system.~~

(k) (j) In addition to the preceding purging procedures, all counties using the change of address information of the United States Postal Service shall also, once each four years during the period established for systematic purging in the year following a presidential election year, conduct the same procedure by mailing a confirmation notice to those persons not identified as potentially ineligible through the change of address comparison procedure but who have not updated their voter registration records and have not voted in any election during the preceding four calendar years. The purpose of this additional systematic confirmation procedure shall be to identify those voters who may have moved without filing a forwarding address, moved with a forwarding address under another name, died in a another county or state so that the certificate of death was not returned to the clerk of the county commission, or who otherwise have become ineligible.

§3-2-29. Custody of original registration records.

(a) All original registration records ~~and voter registration data files~~ in paper format shall remain in the custody of the county commission, by its clerk, or, electronically, in the statewide voter registration database and shall not be removed except for use in an election or by the order of a court of record or in compliance with a subpoena duces tecum issued by the Secretary of State pursuant to the provisions of section six, article one-a of this chapter.

(b) All original voter registration records shall be retained for a minimum of five years following the last recorded activity relating to the record, except that any application which duplicates and does not alter an existing registration shall be retained for a minimum of two years following its receipt. The Secretary of State shall promulgate rules pursuant to the provisions of chapter twenty-

nine-a of this code for the specific retention times and procedures required for original voter registration records.

(c) Prior to the destruction of original voter registration applications or registration cards of voters whose registration has been canceled at least five years previously, the clerk of the county commission shall notify the Secretary of State of the intention to destroy those records. If the Secretary of State determines, within ninety days of the receipt of the notice, that those records are of sufficient historical value that microfilm or other permanent data storage is desirable, the Secretary of State may require that the records be delivered to a specified location for processing at state expense.

~~(d) When a county maintains in digitized data format the active~~ Active, inactive, pending, rejected and canceled registration files, a ~~data format copy of each of the files~~ records shall be maintained as a permanent record, as follows:

(1) Individual canceled registration records shall be maintained in a ~~regularly accessible data file~~ the statewide voter registration database for a period of at least ~~three~~ five years following cancellation. Upon the expiration of ~~three~~ five years, those individual records may be removed from the ~~regularly accessible canceled registration file and stored on tape or disk~~. The records removed may be added to a single file containing previously canceled registration records for permanent storage, and the tape or disk shall be clearly labeled: statewide voter registration database and disposed of in accordance with the appropriate document retention policy.

(2) Rejected registration ~~record files~~ records shall be maintained in the same manner as provided for canceled registration ~~files~~ records.

~~(3) At least once each calendar year, during the month of February, a data format copy of the active registration file,~~

~~inactive registration file and pending application file shall be made containing all records maintained in those files as of the date of the copy. The copy shall be stored on tape or disk and shall be clearly labeled with the types of files and the date the copy was made;~~

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 535—A Bill to repeal §3-2-24 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1-3 of said code; and to amend and reenact §3-2-2, §3-2-4a, §3-2-18, §3-2-19, §3-2-21, §3-2-23, §3-2-25 and §3-2-29 of said code, all relating to the maintenance of voter registration lists and related records generally; repealing provisions governing superseded voter list purging procedures; updating specific constitutional provisions relating to voting; modifying when a person under the age of eighteen may vote in a primary election; updating the processes and responsibilities for statewide voter registration and establishing county and state roles in the voter registration process; modifying the processes of maintaining voter registration records; specifying county roles in maintaining voter registration files for municipal elections; modifying processes for the maintenance of records in the statewide voter registration database; permitting registration records to be shared across state lines pursuant to certain programs; modifying processes for cancellation of deceased or ineligible voters' registrations; providing county and state roles in the systematic purging program for removal of ineligible voters from active voter registration records; and providing for the custody of paper and electronic voter registration records.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 535, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 535) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 538, Eliminating requirement law enforcement maintain files of domestic violence orders.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.**PART VI. DISPOSITION OF DOMESTIC VIOLENCE ORDERS.****§48-27-601. Transmitting orders to domestic violence database; affidavit as to award of possession of real property; service of order on respondent.**

(a) Upon entry of an order pursuant to section 27-403 or part 27-501, et seq., or an order entered pursuant to part 5-501, et seq., granting relief provided for by this article, a copy of the order shall ~~no later than the close of the next business day~~, be immediately transmitted by electronically by the court or the clerk of the court to the domestic violence database established pursuant to the provisions of section twenty-one, article one, chapter fifty-one of this code. No later than the close of the next business day the court or the clerk of the court shall transmit the order to a local office of the municipal police, the county sheriff and the West Virginia State Police ~~where it shall be placed in a confidential file, with access provided only to the law-enforcement agency and the respondent named on the order.~~ for service upon the respondent named in the order. The law-enforcement agency or agencies to which a copy of the order is supplied are not required to maintain a copy of the order after the respondent is served.

(b) A sworn affidavit may be executed by a party who has been awarded exclusive possession of the residence or household, pursuant to an order entered pursuant to section 27-503, and shall be delivered to ~~such~~ law-enforcement agencies simultaneously with any order giving the party's consent for a law-enforcement officer to enter the residence or household, without a warrant, to enforce the protective order or temporary order.

(c) Orders shall be promptly served upon the respondent. Failure to serve a protective order on the respondent does not stay the effect of a valid order if the respondent has actual notice of the existence and contents of the order.

(d) Any law-enforcement agency in this state in possession of or with notice of the existence of an order issued pursuant to the provisions of section 27-403 or 27-501 of this article or the provisions of section 5-509 of this chapter which is in effect or has been expired for thirty days or less that receives a report that a person protected by ~~such~~ an order has been reported to be missing shall immediately follow its procedures for investigating missing persons. No agency or department policy delaying the beginning of an investigation ~~shall have~~ has any force or effect.

(e) The provisions of subsection (d) of this section shall be applied where a report of a missing person is made which is accompanied by a sworn affidavit that the person alleged to be missing was, at the time of his or her alleged disappearance, being subjected to treatment which meets the definition of domestic battery or assault set forth in section twenty-eight, article two, chapter sixty-one of this code.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 538—A Bill to amend and reenact §48-27-601 of the Code of West Virginia, 1931, as amended, relating generally to disposition of domestic violence orders; requiring the filing of domestic violence orders with the domestic violence database; and modifying law enforcement's record-keeping requirement for domestic violence orders.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 538, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 538) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 586, Transferring authority to license cosmetology, barber and massage schools to Council for Community and Technical College Education.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

**ARTICLE 27. BOARD OF BARBERS AND
COSMETOLOGISTS.**

§30-27-3. Definitions.

As used in this article, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

(a) “Aesthetics” or “esthetics” means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease:

(1) Administering cosmetic treatments to enhance or improve the appearance of the skin, including cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating or performing any other similar procedure on the skin of the human body or scalp;

(2) Applying, by hand or with a mechanical or electrical apparatus, any cosmetics, makeups, oils, powders, clays, antiseptics, tonics, lotions, creams or chemical preparations necessary for the practice of aesthetics to another person’s face, neck, back, shoulders, hands, elbows and feet up to and including the knee;

(3) The rubbing, cleansing, exercising, beautifying or grooming of another person’s face, neck, back, shoulders, hands, elbows and feet up to and including the knee;

(4) The waxing, tweezing and threading of hair on another person’s body;

(5) The wrapping of another person’s body in a body wrap;

(6) Applying artificial eyelashes and eyebrows; and

(7) The lightening of hair on the body except the scalp.

(b) “Aesthetician” or “esthetician” means a person licensed under the provisions of this article who engages in the practice of aesthetics.

(c) “Applicant” means a person making application for a professional license, license, certificate, registration, permit or renewal under the provisions of this article.

(d) “Barber” means a person licensed under the provisions of this article who engages in the practice of barbering.

(e) “Barbering” means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease:

(1) Shaving, shaping and trimming the beard, or both;

(2) Cutting, singeing, shampooing, arranging, dressing, tinting, bleaching or applying lotions or tonics on human hair, or a wig or hairpiece; and

(3) Applications, treatments or rubs of the scalp, face, or neck with oils, creams, lotions, cosmetics, antiseptics, powders or other preparations in connection with the shaving, cutting or trimming of the hair or beard.

(f) “Barber crossover” or “cosmetologist crossover” is a person who is licensed to perform barbering and cosmetology.

(g) “Barber permanent waving” means the following acts done on the human body for compensation and not for the treatment of disease:

(1) The bleaching or tinting of hair; and

(2) The permanent waving of hair.

(h) “Barber permanent wavist” means a person licensed to perform barbering and barber permanent waving.

(i) “Board” means the West Virginia Board of Barbers and Cosmetologists.

(j) “Certificate” means an instructor certificate to teach in a school under the provisions of this article.

(k) “Certificate holder” means a person certified as an instructor to teach in a school under the provisions of this article.

(l) “Cosmetologist” means a person licensed under the provisions of this article who engages in the practice of cosmetology.

(m) “Cosmetology” means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease:

(1) Cutting, styling, shaping, arranging, braiding, weaving, dressing, adding extensions, curling, waving, permanent waving, relaxing, straightening, shampooing, cleansing, singeing, bleaching, tinting, coloring, waxing, tweezing or similarly work on human hair, or a wig or hairpiece, by any means, including hands, mechanical or electrical devices or appliances;

(2) Nail care;

(3) Applying by hand or with a mechanical or electrical device or appliance, any cosmetics, makeups, oils, powders, clays, antiseptics, tonics, lotions, creams or chemical preparations necessary for the practice of aesthetics to another person’s face, neck, shoulders, hands, elbows and feet up to and including the knee;

(4) The rubbing, cleansing, exercising, beautifying or grooming of another person’s face, neck, shoulders, hands, elbows and feet up to and including the knee;

(5) The wrapping of another person's body in a body wrap; and

(6) Performing aesthetics.

(n) "General supervision" means:

(1) For schools, a master or certified instructor is on the premises and is quickly and easily available; or

(2) For salons, a professional licensee is on the premises and is quickly and easily available.

(o) "Hair braiding" means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease: Braiding, plaiting, twisting, wrapping, threading, weaving, extending or locking of natural human hair by hand or mechanical device.

(p) "Hair styling" means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease:

(1) Cutting, styling, shaping, arranging, braiding, weaving, dressing, adding extensions, curling, waving, permanent waving, relaxing, straightening, shampooing, cleansing, singeing, bleaching, tinting, coloring, waxing, tweezing, threading or similarly work on human hair, or a wig or hairpiece, by any means, including hands, mechanical or electrical devices or appliances;

(2) The rubbing, cleansing, exercising, beautifying or grooming of another person's face, neck, shoulders, hands, elbows and feet up to and including the knee.

(q) "Hair stylist" means a person licensed under the provisions of this article who engages in the practice of hair styling.

(r) "License" means a professional license, a salon license or a school license.

(s) “Licensed school” means a facility which has been approved by the West Virginia Council for Community and Technical College Education pursuant to section nine, article two-b, chapter eighteen-b of this code, to educate persons to be licensed or issued certain permits under the provisions of this article.

(s) (t) “Licensee” means a person, corporation or firm holding a license issued under the provisions of this article.

(t) (u) “Nail care” means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease:

(1) The cleansing, dressing or polishing of nails of a person;

(2) Performing artificial nail service; and

(3) The cosmetic treatment of the feet up to the knee and the hands up to the elbow.

(t) (v) “Nail technician” or “manicurist” means a person licensed under the provisions of this article who engages in the practice of nail care.

(v) (w) “Permit” means a work permit.

(w) (x) “Permitee” means a person holding a work permit.

(x) (y) “Professional license” means a license to practice as a aesthetician, barber, barber crossover, barber permanent waviest, cosmetologist, cosmetologist crossover or nail technician.

(y) (z) “Registration” means a registration issued by the board to a person who rents or leases a booth or chair from a licensed salon owner and operator, or both, or a registration issued by the board to a person who is a student in a school.

~~(z)~~ (aa) “Registrant” means a person who holds a registration under the provisions of this article.

~~(aa)~~ (bb) “Salon” means a shop or other facility where a person practices under a professional license.

~~(bb)~~ (cc) “Salon license” means a license to own and operate a salon.

~~(cc)~~ “School” means a facility to educate persons to be licensed under the provisions of this article.

~~(dd)~~ “School license” means a license to own and operate a school.

~~(ee)~~ (dd) “Student registration” means a registration issued by the board to a student to study at a school licensed under the provisions of this article.

§30-27-5. Powers and duties of the board.

(a) The board has all the powers and duties set forth in this article, by rule, in article one of this chapter and elsewhere in law.

(b) The board shall:

(1) Hold meetings, conduct hearings and administer examinations;

(2) Establish requirements for licenses, permits, certificates and registrations;

(3) Establish procedures for submitting, approving and rejecting applications for licenses, permits, certificates and registrations;

(4) Determine the qualifications of any applicant for licenses, permits, certificates and registrations;

(5) Prepare, conduct, administer and grade examinations for professional licenses and certificates;

(6) Determine the passing grade for the examinations;

(7) Maintain records of the examinations the board or a third party administers, including the number of persons taking the examinations and the pass and fail rate;

~~(8) Set operational standards and requirements for licensed schools;~~

(8) (9) Hire, discharge, establish the job requirements and fix the compensation of the executive director;

~~(9)~~ (10) Maintain an office, and hire, discharge, establish the job requirements and fix the compensation of employees, investigators/inspectors and contracted employees necessary to enforce the provisions of this article: *Provided*, That any investigator/inspector employed by the board on July 1, 2009, shall retain their coverage under the classified service, including job classification, job tenure and salary, until that person retires or is dismissed: *Provided, however*, That nothing may prohibit the disciplining or dismissal of any investigator/inspector for cause;

~~(10)~~ (11) Investigate alleged violations of the provisions of this article, legislative rules, orders and final decisions of the board;

~~(11)~~ (12) Establish the criteria for the training of investigators/inspectors;

~~(12)~~ (13) Set the requirements for investigations and inspections;

~~(13)~~ (14) Conduct disciplinary hearings of persons regulated by the board;

~~(14)~~ (15) Determine disciplinary action and issue orders;

~~(15)~~ (16) Institute appropriate legal action for the enforcement of the provisions of this article;

(17) Report violations of the provisions of this article, and legislative rules promulgated pursuant to this article, alleged to have been committed by a licensed school to the West Virginia Council for Community and Technical College Education. The board may continue to investigate any alleged violation that it receives by May 1, 2013, and shall conclude any such investigation by July 1, 2013. If the board determines that probable cause exists that a violation occurred, the board immediately shall advise and provide its investigation file to the West Virginia Council for Community and Technical College Education;

~~(16)~~ (18) Maintain an accurate registry of names and addresses of all persons regulated by the board;

~~(17)~~ (19) Keep accurate and complete records of its proceedings, and certify the same as may be necessary and appropriate;

~~(18)~~ (20) Establish the continuing education requirements for professional licensees and certificate holders;

~~(19)~~ (21) Issue, renew, combine, deny, suspend, revoke or reinstate licenses, permits, certificates and registrations;

~~(20)~~ (22) Establish a fee schedule;

~~(21)~~ (23) Propose rules in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this article; and

~~(22)~~ (24) Take all other actions necessary and proper to effectuate the purposes of this article.

(c) The board may:

- (1) Establish joint licenses;
- (2) Contract with third parties to administer the examinations required under the provisions of this article;
- (3) Sue and be sued in its official name as an agency of this state;
- (4) Confer with the Attorney General or his or her assistant in connection with legal matters and questions.

§30-27-8. Professional license requirements.

(a) An applicant for a professional license to practice as a aesthetician, barber, barber crossover, barber permanent wavist, cosmetologist, hair stylist, cosmetologist crossover or nail technician shall present satisfactory evidence that he or she:

- (1) Is at least eighteen years of age;
- (2) Is of good moral character;
- (3) Has a high school diploma, a GED, or has passed the “ability to benefit test” approved by the United States Department of Education;
- (4) Has graduated from a licensed school which has been approved by the West Virginia Council for Community and Technical College Education or has completed education requirements in another state and meets the licensure provisions of the board;
- (5) Has passed an examination that tests the applicant’s knowledge of subjects specified by the board: *Provided*, That the board may recognize a certificate or similar license in lieu of the examination or part of the examination that the board requires;
- (6) Has paid the applicable fee;

(7) Presents a certificate of health from a licensed physician;

(8) Is a citizen of the United States or is eligible for employment in the United States; and

(9) Has fulfilled any other requirement specified by the board.

(b) A license to practice issued by the board prior to July 1, 2009, shall for all purposes be considered a professional license issued under this article: *Provided*, That a person holding a license issued prior to July 1, 2009, must renew the license pursuant to the provisions of this article.

§30-27-11. Work permit.

(a) The board may issue a work permit to practice to an applicant who meets the following conditions:

(1) Has graduated from a licensed school approved by the board ~~or has completed the course requirements in a specific field; West Virginia Council for Community and Technical College Education~~ or has completed education requirements in another state and meets the licensure provisions of the board;

(2) Is waiting to take the examination;

(3) Has employment in the field in which he or she applied to take the examination and is working under the general supervision of a professional licensee;

(4) Has paid the work permit fee;

(5) Has presented a certificate of health issued by a licensed physician;

(6) Is a citizen of the United States or is eligible for employment in the United States; and

(7) Meets all the other requirements specified by the board.

(b) A work permit expires at the end of the month after issuance following the next examination in the specific field. A work permit may be renewed once.

(c) While in effect, a work permittee is subject to the restrictions and requirements imposed by this article.

§30-27-12. Student registration.

(a) Prior to commencing studies in a licensed school, ~~licensed under the provisions of this article~~ a student shall acquire a student registration issued by the board.

(b) An applicant for a student registration shall present satisfactory evidence that he or she meets the following conditions:

(1) Is enrolled as a student in an approved licensed school; ~~or enrolled in an approved course~~;

(2) Is of good moral character;

(3) Has paid the required fee;

(4) Has presented a certificate of health issued by a licensed physician; and

(5) Is a citizen of the United States or is eligible for employment in the United States.

(c) The student registration is good during the prescribed period of study for the student.

(d) The student may perform acts constituting barbering, barber permanent waving, cosmetology, aesthetics or nail care in a school under the general supervision of a master or certified instructor.

ARTICLE 37. MASSAGE THERAPISTS.**§30-37-7. Requirements for licensure; renewal of licenses; reinstatement; penalties.**

(a) The board shall propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code, establishing a procedure for licensing of massage therapists. License requirements shall include the following:

(1) Completion of a program of massage education at a school approved by the ~~West Virginia Higher Education Policy Commission~~ Council for Community and Technical College Education pursuant to section nine, article two-b, chapter eighteen-b of this code or by a state agency in another state, the District of Columbia or a United States territory which approves educational programs and which meets qualifications for the National Certification Exam administered through the National Certification Board for Therapeutic Massage and Bodywork. This school shall require a diploma from an accredited high school, or the equivalent, and require completion of at least five hundred hours of supervised academic instruction;

(2) Successful completion of the National Certification for Therapeutic Massage and Bodywork (NCTMB) examination, or other board approved examination; and

(3) Payment of a reasonable fee every two years required by the board which shall compensate and be retained by the board for the costs of administration.

(b) A license to practice massage therapy issued by the board prior to July 1, 2006, shall for all purposes be considered a license issued under this section: *Provided*, That a person holding a license to practice massage therapy issued prior to July 1, 2006, must renew the license pursuant to the provisions of this article: *Provided, however*, That a person whose license was issued by the

board prior to July 1, 2006, and whose license subsequently lapses may, in the discretion of the board, be subject to the licensing requirements of this section.

(c) In addition to provisions for licensure, the rules shall include:

(1) Requirements for completion of continuing education hours conforming to NCTMB guidelines; and

(2) Requirements for issuance of a reciprocal license to licensees of states with requirements which may include the successful completion of the NCTMB examination or other board approved examination.

(d) Subject to the provisions of subsection (b) of this section, the board may deny an application for renewal for any reason which would justify the denial of an application for initial licensure.

(e) Any person practicing massage therapy during the time his or her license has lapsed is in violation of this article and is subject to the penalties provided in this article.

(f) A massage therapist who is licensed by the board shall be issued a certificate and a license number. The current, valid license certificate shall be publicly displayed and available for inspection by the board and the public at a massage therapist's work site.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 586, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale,

Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 586) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 586) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill No. 596, Determining grant awards for Chesapeake Bay and Greenbrier River watershed compliance projects.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

Eng. Senate Bill No. 596—A Bill to amend and reenact §31-15A-17b of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia Infrastructure and Jobs Development Council to direct the Water Development Authority to make grants to certain eligible certified Chesapeake Bay and Greenbrier River watershed compliance projects.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Senate Bill No. 596, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 596) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 596) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill No. 663, Creating WV Feed to Achieve Act.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 5D. WEST VIRGINIA FEED TO ACHIEVE ACT.**§18-5D-1. Short title.**

This act shall be known and may be cited as the West Virginia Feed to Achieve Act.

§18-5D-2. Legislative findings; intent.

(a) The Legislature finds and declares that:

(1) Every child in school needs to have nutritious meals in order to achieve his or her potential. Providing the best schools and teachers alone does not ensure a child is mentally present and able to learn. A growing body of research establishes that a hungry child is less able to process the information provided and is less likely to be attentive to the lessons being taught.

(2) President Harry S. Truman began the national school lunch program in 1946 as a measure of national security to safeguard the health and well-being of the nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food. Last year in West Virginia, 32.3 million school lunches were served to students in public schools.

(3) Research shows that healthy eating, proper nutrition and regular physical activity result in students who have: (A) Increased standardized achievement test scores; (B) improved attendance; (C) reduced tardiness; (D) improved academic, behavioral and emotional functioning; and (E) improved nutrition, and for many students, the nutritious breakfast at school is essential.

(4) Schools that provide universal breakfast programs also report: (A) Decreases in discipline and psychological problems; (B) decreases in visits to school nurses; (C) decreases in tardiness; (D) increases in student attentiveness; (E) increases in attendance; and

(F) improved learning environments, and these positive attributes are furthered through comprehensive healthy schools policies that include quality nutrition, integrating physical activity during the school day, and teaching children about the importance of embracing a healthy active lifestyle.

(5) An effective school breakfast program is not an interruption of the school day; it is an integral and vital part of the school day.

(6) The participation rate for the school breakfast program varies greatly among our counties. Those counties which have made a determined effort to increase participation by offering programs to best meet student needs, such as Grab-And-Go Breakfasts, providing Breakfast in the Classroom or providing Breakfast After First Period, are feeding significantly higher percentages of their students.

(7) The West Virginia Center on Budget and Policy reports that in 2011 more than twenty-five percent of the children in West Virginia lived in homes with a household income below the federal poverty line, which is \$23,050 for a family of four. About fifty percent of West Virginia children live in homes with a household income below twice the federal poverty level, \$46,100 for a family of four, which is approximately the level of the Work Force West Virginia self-sufficiency standard.

(8) The majority of students from families below the self-sufficiency standard are currently not eating breakfast at school. On the average school day during the 2011-2012 school year, less than half of the West Virginia students eligible for a federally funded free breakfast actually received one. On that same average day, only about one third of the students eligible to receive a reduced price breakfast actually received one.

(9) In order to maximize each child's potential to learn and develop, the Legislature, schools and communities must partner to provide the most basic support for learning: nutritious meals.

(10) In order to maximize student participation in school nutrition programs and to reduce the secondary adverse impacts of poverty, it is important that schools provide nutritious meals without a risk to students of being stigmatized as poor.

(11) High rates of childhood hunger and childhood obesity occur simultaneously because children are not receiving healthy, nutritious food. According to the Data Resource Center for Child and Adolescent Health and others, in 2008 West Virginia ranked 44 in overall prevalence of childhood obesity, with 35.5 percent of children considered either overweight or obese.

(12) According to the 2008 Pediatric Nutrition Surveillance System, which assesses weight status of children from low-income families participating in the Women, Infants and Children program, 28.3 percent of low income children age two to five are overweight or obese in West Virginia.

(13) The Food Research and Action Center has found that providing a balanced school breakfast may protect against childhood obesity. School breakfast participation, particularly when combined with comprehensive efforts that include regular physical activity and promote healthy eating habits, is associated with a lower body mass index, a lower probability of being overweight and a lower probability of obesity, all of which help prevent a range of chronic diseases including Type II Diabetes, high blood cholesterol, high blood pressure, heart disease and stroke.

(14) Participation in federally funded meals in child care, preschool, school or summer settings is associated with a lower body mass index among young, low income children.

(15) Private and nonprofit sectors have shown a willingness to commit significant resources to addressing hunger in America, leveraging federal programs and enlisting their employees, customers and clients to improve the availability and accessibility of affordable, healthy food for those in need of assistance.

(16) Public schools in this state and others are adopting a continuum of policies to implement low cost, effective programs that include physical activity, physical education, proper nutrition and the promotion of healthy eating habits, along with involvement by school staff, families and communities, and a variety of resources to assist schools in adopting and implementing these programs are easily accessible on the internet and through the Office of Healthy Schools in the West Virginia Department of Education.

(b) In order to maximize the economies of scale and to access all available federal funds to support our school nutrition programs, the Feed to Achieve initiative directs schools to make available and to promote the federally approved and subsidized meals to all pre-kindergarten through twelfth grade students, to make them readily available and to consider reducing or eliminating the cost to students if sufficient funds become available.

(c) The Legislature intends to provide a framework for the State Board of Education and the county boards of education to provide, as effectively and as efficiently as possible, a minimum of two nutritious meals each school day to all students.

(d) The Legislature intends for the state and county boards of education to enter into public-private partnerships to eventually provide free nutritious meals for all pre-kindergarten through twelfth grade school children in West Virginia.

(e) The Legislature encourages county boards to examine the options available for comprehensive policies and programs to improve student health and promote academic achievement and to establish a comprehensive policy on healthy schools that best meets the needs of their student population.

(f) It is not the intention of the Legislature to allow or encourage parents to abdicate their parental responsibility related to providing healthy, nutritious meals for their children. However, it is the intent of the Legislature that no child be denied nutritious meals.

(g) It is the intent of the Legislature that healthy nutritious school lunches be made available to all students in a manner which maximizes participation and minimizes stigma attached to participating low income students.

§18-5D-3. School nutrition programs.

(a) Each county board of education shall establish and operate school nutrition programs under which, at a minimum, a nutritious breakfast and lunch are made effectively available to all students enrolled in the schools of the county in accordance with the State Board of Education standards. The standards shall include guidelines for determining the eligibility of students for paid, free and reduced meals. The standards shall also establish procedures and guidelines for the Feed to Achieve initiative to allow for the provision of healthy, nutritious meals to all elementary school students, without cost to students, where schools find it practical to do so.

(b) The Feed to Achieve initiative will be phased in for all elementary schools as sufficient funds become available, through donations, contributions and payments made by individuals, communities, businesses, organizations and parents or guardians on behalf of students. Nothing in this article prohibits any school from providing free meals to all of its students.

(c) Each county board of education shall:

(1) Require all schools to adopt a delivery system approved by the state Office of Child Nutrition, no later than the 2015 school year, that ensures all students are given an adequate opportunity to eat breakfast. These approved systems shall include, but are not limited to, Grab-And-Go Breakfasts, Breakfast in the Classroom or Breakfast After First Period; and

(2) Collaborate with the state Office of Child Nutrition to develop strategies and methods to increase the percentage of

children participating in the school breakfast and lunch nutrition programs.

(d) In addition to other statistics, the county boards of education, in consultation with the state Office of Child Nutrition, shall determine the number of children in each school who are participating in each meal offered by the school; the number of children who are not eating each meal offered by the school; and the total daily attendance.

(e) The state Office of Child Nutrition shall report to the Joint Committee on Government and Finance, the Select Committee on Children and Poverty and the Legislative Oversight Commission on Education Accountability on or before December 31, 2015, and each year thereafter, on the impacts of the Feed to Achieve Act and any recommendations for legislation.

(f) County boards of education may utilize the nonprofit funds or foundations established in section four of this article or other available funds to offset the costs of providing free meals, after school and summer nutrition programs to elementary students.

(g) If at any time federal financial appropriations to this state for school nutrition programs are terminated, county boards of education are hereby authorized, but not required, to continue the programs at their own expense.

(h) Classroom teachers may not be required to participate in the operation of the school breakfast program as part of their regular duties.

§18-5D-4. Creating public-private partnerships; creating nonprofit foundation or fund; audit.

(a) The Department of Education and each county board of education shall promptly establish a fund that is restricted solely for the receipt and expenditure of gifts, grants and bequests for the

purposes of this article and may establish in lieu thereof a nonprofit foundation for this purpose. The purpose of the fund or nonprofit foundation is to provide supplemental or matching funds to increase participation in the nutrition programs in the Feed to Achieve initiative set forth in subsection (c) of this section. The Department of Education shall utilize its fund or nonprofit foundation to assist county boards of education in counties whose fund or foundation lacks sufficient business, industry and individual contributors to fund the Feed to Achieve nutrition programs.

(b) Financial support for the fund or foundation may come from either public or private gifts, grants, contributions, bequests and endowments.

(c) Expenditures from the state or county funds or by the foundations shall be used for provision of food to students through any of the programs or initiatives approved by the Office of Child Nutrition, including the following programs: School Breakfast Program, National School Lunch Program, the Summer Food Service Program, the Fresh Fruit and Vegetable Program, the Child and Adult Care Food Program, the farm-to-school initiative and community gardens. Expenditures may also be made for initiatives developed with the Department of Health and Human Resources and public-private partnerships to provide outreach and nutritional meals when students are not in school.

(d) No administrative expenses or personnel expenses for any of the state departments implementing this act, the State Board of Education, any county board of education, school or program may be paid from the funds or by the foundations.

(e) Individuals or businesses that contribute to the funds or foundations may specify schools or nutrition programs for which the contribution is to be used.

(f) The Department of Education and county boards of education may establish public-private partnerships to enhance current or

advance additional nutrition programs that provide nutritious food for children to take home for weekend meals.

(g) The Department of Education and county boards of education shall form or expand existing partnerships with the federal and state departments of agriculture, Department of Health and Human Resources, local master gardeners, county extension agents or other experts in the field of agriculture or gardening to develop community gardens, farm-to-school programs and other such programs that teach students how to grow and produce healthy food and provide healthy food to the students.

(h) The Department of Education shall collaborate with the Department of Health and Human Resources to develop effective strategies and programs such as after school nutrition outreach and programs that improve the healthy lifestyle of all students in prekindergarten through twelfth grade. The Department of Health and Human Resources may propose rules for promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code to effectuate any programs so developed.

(i) All moneys contributed to a fund or foundation established pursuant to this section and all expenditures made therefrom shall be audited as part of the annual independent audit of the State Board of Education and the county boards of education.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 663—A Bill to repeal §18-5-37 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18-5D-1, §18-5D-2, §18-5D-3 and §18-5D-4, all relating to improving the nutrition, physical activity and health of West Virginia's children; creating the West Virginia Feed to Achieve Act; providing legislative findings

and intent; encouraging adoption of comprehensive policies and programs; phasing in implementation of the West Virginia Feed to Achieve Act; making nutritious breakfast and lunch be made available to all students; promoting delivery systems, strategies and methods to maximize participation by students; providing for recordkeeping and reporting; authorizing continuation or termination of nutrition programs under certain conditions; providing that classroom teachers may not be required to operate a breakfast program as part of their regular duties; establishing restricted use funds or nonprofit foundations to provide moneys for school nutrition programs; providing for acceptance of private contributions; authorizing expenditures of private funds to draw down maximum federal funds for child nutrition; authorizing certain expenditures; prohibiting use of private funds for administrative or personnel expenses; authorizing partnerships with federal and state agencies and public and private organizations to expand options for providing healthy, nutritious food to children; encouraging healthy food initiatives such as community gardens and farm-to-school programs; and requiring an annual audit of the private funds.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 663, as amended by the House of Delegates, was then put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill No. 663 pass?”

On the passage of the bill, the yeas were: Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Barnes—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 663) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Barnes—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 663) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill No. 664, Decreasing appropriations of public moneys in State Fund, General Revenue.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page seven, by striking out the following:

“Whereas, The Constitution of the State of West Virginia requires that there be a balance between the state’s revenues and expenditures for each fiscal year; and”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill No. 664, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 664) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 664) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 107—Expressing support for the President’s proposal to increase the minimum wage to \$9 per hour from \$7.25 per hour.

Referred to the Committee on Rules.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 140—Recognizing July 16 as “Atomic Veterans Day of Remembrance” in West Virginia.

At the request of Senator Unger, and by unanimous consent, the message was taken up for immediate consideration and reference of the resolution to a committee dispensed with.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendment to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill No. 2014, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

On motion of Senator Unger, the Senate refused to recede from its amendment to the bill and requested the appointment of a committee of conference of seven from each house on the disagreeing votes of the two houses.

Whereupon, Senator Kessler (Mr. President) appointed the following conferees on the part of the Senate:

Senators Prezioso, Facemire, Plymale, Stollings, Unger, M. Hall and Sypolt.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 21, Creating Health Care Provider Transparency Act.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-1C-1, §16-1C-2, §16-1C-3, §16-1C-4 and §16-1C-5, all to read as follows:

ARTICLE 1C. HEALTH CARE PROVIDER TRANSPARENCY ACT.

§16-1C-1. Definitions.

(a) “Direct patient care” means health care that provides for the physical, diagnostic, emotional or rehabilitation needs of a patient or health care that involves examination, treatment or preparation for diagnostic tests or procedures.

(b) “Employee” means an employee or contractor of a health care provider or a person who is granted privileges by a health care provider who delivers direct patient care.

(c) “Health care provider” means an individual, partnership, corporation, facility, hospital or institution licensed or certified or authorized by law to provide professional health care service in this state to a patient during that patient’s medical, remedial or behavioral health care, treatment or confinement.

(d) “Secretary” means the Secretary of the West Virginia Department of Health and Human Resources. The secretary may define in rules any term or phrase used in this article which is not expressly defined.

§16-1C-2. Identification badge requirements.

Notwithstanding any other provision of this code, an employee shall wear an identification badge when providing direct patient care. The identification badge shall be worn in a conspicuous manner so as to be visible and apparent.

§16-1C-3. Exceptions.

(a) Notwithstanding section three of this article, the following shall apply:

(1) An employee shall not be required to wear an identification badge while delivering direct patient care if it is not clinically feasible.

(2) The last name of the employee may be omitted or concealed from an identification badge when delivering direct patient care if the employee is concerned for his or her safety.

(b) An employee may petition the secretary for an exemption from the requirements of this article for reasons that are not set forth in this section.

(c) An employee providing direct patient care in a behavioral health care setting may not be required to wear an identification badge.

§16-1C-4. Rules.

The Secretary of the Department of Health and Human Resources, in consultation with appropriate health care provider professional licensing boards, shall propose rules for legislative approval in accordance with the provisions of chapter twenty-nine-a of this code to implement the provisions of this article. These rules shall include, at a minimum:

(1) The contents of the identification badge, which shall at least include the name of the employee and title of the employee;

(2) The title to be used to identify employee licensure information;

(3) The appearance of the identification badge, which shall have the title of the employee as large as possible in block type: Provided, That health care facilities providing identification badges prior to enactment of this article shall not be required to issue new badges;

(4) The process and procedure for seeking an exemption from the requirements of this article; and

(5) Such other rules as may be deemed necessary to effectuate the purposes of this article.

§16-1C-5. Applicability.

Section three of this article applies to employees of health care providers who employ at least three licensed practitioners or employ more than ten employees as of July 1, 2015.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 21—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-1C-1, §16-1C-2, §16-1C-3, §16-1C-4 and §16-1C-5, all relating generally to requiring health care providers to wear identification badges; providing definitions; establishing identification badge requirements; setting forth exceptions; providing for applicability; and granting rule-making authority.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 21, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 21) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 22, Requiring maternity services coverage for all health insurance plan dependents in certain circumstances.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF
GOVERNOR, SECRETARY OF STATE AND ATTORNEY
GENERAL; BOARD OF PUBLIC WORKS;
MISCELLANEOUS AGENCIES, COMMISSIONS,
OFFICES, PROGRAMS, ETC.**

**ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES
INSURANCE ACT.**

§5-16-7. Authorization to establish group hospital and surgical insurance plan, group major medical insurance plan, group prescription drug plan and group life and accidental death insurance plan; rules for administration of plans; mandated benefits; what plans may provide; optional plans; separate rating for claims experience purposes.

(a) The agency shall establish a group hospital and surgical insurance plan or plans, a group prescription drug insurance plan or plans, a group major medical insurance plan or plans and a group life and accidental death insurance plan or plans for those employees herein made eligible and to establish and promulgate rules for the administration of these plans subject to the limitations contained in this article. ~~Those~~ These plans shall include:

(1) Coverages and benefits for x-ray and laboratory services in connection with mammograms when medically appropriate and consistent with current guidelines from the United States Preventive Services Task Force; pap smears, either conventional or liquid-based cytology, whichever is medically appropriate, and consistent with the current guidelines from either the United States Preventive Services Task Force or The American College of Obstetricians and Gynecologists; and a test for the human papilloma virus (HPV) when medically appropriate and consistent with current guidelines from either the United States Preventive Services Task Force or The American College of Obstetricians and Gynecologists, when performed for cancer screening or diagnostic services on a woman age eighteen or over;

(2) Annual checkups for prostate cancer in men age fifty and over;

(3) Annual screening for kidney disease as determined to be medically necessary by a physician using any combination of blood pressure testing, urine albumin or urine protein testing and serum creatinine testing as recommended by the National Kidney Foundation;

(4) For plans that include maternity benefits, coverage for inpatient care in a duly licensed health care facility for a mother and her newly born infant for the length of time which the attending physician considers medically necessary for the mother or her newly born child. ~~Provided, That no~~ No plan may deny payment for a mother or her newborn child prior to forty-eight hours following a vaginal delivery or prior to ninety-six hours following a caesarean section delivery if the attending physician considers discharge medically inappropriate;

(5) For plans which provide coverages for post-delivery care to a mother and her newly born child in the home, coverage for inpatient care following childbirth as provided in subdivision (4) of this subsection if inpatient care is determined to be medically necessary by the attending physician. ~~Those~~ These plans may ~~also~~ include, among other things, medicines, medical equipment, prosthetic appliances and any other inpatient and outpatient services and expenses considered appropriate and desirable by the agency; and

(6) Coverage for treatment of serious mental illness:

(A) The coverage does not include custodial care, residential care or schooling. For purposes of this section, "serious mental illness" means an illness included in the American Psychiatric Association's diagnostic and statistical manual of mental disorders, as periodically revised, under the diagnostic categories or subclassifications of: (i) Schizophrenia and other psychotic disorders; (ii) bipolar disorders; (iii) depressive disorders; (iv) substance-related disorders with the exception of caffeine-related disorders and nicotine-related disorders; (v) anxiety disorders; and (vi) anorexia and bulimia. With regard to ~~any~~ a covered individual who has not yet attained the age of nineteen years, "serious mental illness" also includes attention deficit hyperactivity disorder, separation anxiety disorder and conduct disorder.

(B) Notwithstanding any other provision in this section to the contrary, ~~in the event that the agency can demonstrate~~ if the agency

demonstrates that its total costs for the treatment of mental illness for any plan ~~exceeded~~ exceeds two percent of the total costs for such plan in any experience period, then the agency may apply whatever additional cost-containment measures may be necessary ~~including, but not limited to, limitations on inpatient and outpatient benefits, to maintain costs below two percent of the total costs for the plan for the next experience period.~~ in order to maintain costs below two percent of the total costs for the plan for the next experience period. These measures may include, but are not limited to, limitations on inpatient and outpatient benefits.

(C) The agency shall not discriminate between medical-surgical benefits and mental health benefits in the administration of its plan. With regard to both medical-surgical and mental health benefits, it may make determinations of medical necessity and appropriateness and it may use recognized health care quality and cost management tools including, but not limited to, limitations on inpatient and outpatient benefits, utilization review, implementation of cost-containment measures, preauthorization for certain treatments, setting coverage levels, setting maximum number of visits within certain time periods, using capitated benefit arrangements, using fee-for-service arrangements, using third-party administrators, using provider networks and using patient cost sharing in the form of copayments, deductibles and coinsurance.

(7) Coverage for general anesthesia for dental procedures and associated outpatient hospital or ambulatory facility charges provided by appropriately licensed health care individuals in conjunction with dental care if the covered person is:

(A) Seven years of age or younger or is developmentally disabled and is an individual for whom a successful result cannot be expected from dental care provided under local anesthesia because of a physical, intellectual or other medically compromising condition of the individual and for whom a superior result can be expected from dental care provided under general anesthesia;

(B) A child who is twelve years of age or younger with documented phobias or with documented mental illness and with dental needs of such magnitude that treatment should not be delayed or deferred and for whom lack of treatment can be expected to result in infection, loss of teeth or other increased oral or dental morbidity and for whom a successful result cannot be expected from dental care provided under local anesthesia because of such condition and for whom a superior result can be expected from dental care provided under general anesthesia.

(8) (A) Any plan issued or renewed on or after January 1, 2012, shall include coverage for diagnosis, evaluation and treatment of autism spectrum disorder in individuals ages eighteen months to eighteen years. To be eligible for coverage and benefits under this subdivision, the individual must be diagnosed with autism spectrum disorder at age eight or younger. Such ~~policy plan~~ shall provide coverage for treatments that are medically necessary and ordered or prescribed by a licensed physician or licensed psychologist and in accordance with a treatment plan developed from a comprehensive evaluation by a certified behavior analyst for an individual diagnosed with autism spectrum disorder.

(B) The coverage shall include, but not be limited to, applied behavior analysis ~~Applied behavior analysis~~ which shall be provided or supervised by a certified behavior analyst. The annual maximum benefit for applied behavior analysis required by this subdivision shall be in an amount not to exceed \$30,000 per individual for three consecutive years from the date treatment commences. At the conclusion of the third year, coverage for applied behavior analysis required by this subdivision shall be in an amount not to exceed \$2,000 per month, until the individual reaches eighteen years of age, as long as the treatment is medically necessary and in accordance with a treatment plan developed by a certified behavior analyst pursuant to a comprehensive evaluation or reevaluation of the individual. This subdivision ~~shall not be construed as limiting, replacing or affecting~~ does not limit, replace or affect any obligation to provide services to an individual under

the Individuals with Disabilities Education Act, 20 U. S. C. 1400 *et seq.*, as amended from time to time or other publicly funded programs. Nothing in this subdivision ~~shall be construed as requiring~~ requires reimbursement for services provided by public school personnel.

(C) The certified behavior analyst shall file progress reports with the agency semiannually. In order for treatment to continue, the agency must receive objective evidence or a clinically supportable statement of expectation that:

(i) The individual's condition is improving in response to treatment; ~~and~~

(ii) A maximum improvement is yet to be attained; and

(iii) There is an expectation that the anticipated improvement is attainable in a reasonable and generally predictable period of time.

(D) On or before January 1 each year, the agency shall file an annual report with the Joint Committee on Government and Finance describing its implementation of the coverage provided pursuant to this subdivision. The report shall include, but shall not be limited to, the number of individuals in the plan utilizing the coverage required by this subdivision, the fiscal and administrative impact of the implementation and any recommendations the agency may have as to changes in law or policy related to the coverage provided under this subdivision. In addition, the agency shall provide such other information as ~~may be~~ required by the Joint Committee on Government and Finance as it may from time to time request.

(E) For purposes of this subdivision, the term:

(i) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences in order to produce socially significant improvement in human behavior ~~including~~ and includes the use

of direct observation, measurement and functional analysis of the relationship between environment and behavior.

(ii) “Autism spectrum disorder” means any pervasive developmental disorder including autistic disorder, Asperger’s Syndrome, Rett Syndrome, childhood disintegrative disorder or Pervasive Development Disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

(iii) “Certified behavior analyst” means an individual who is certified by the Behavior Analyst Certification Board or certified by a similar nationally recognized organization.

(iv) “Objective evidence” means standardized patient assessment instruments, outcome measurements tools or measurable assessments of functional outcome. Use of objective measures at the beginning of treatment, during and after treatment is recommended to quantify progress and support justifications for continued treatment. The tools are not required but their use will enhance the justification for continued treatment.

(F) To the extent that the application of this subdivision for autism spectrum disorder causes an increase of at least one percent of actual total costs of coverage for the plan year, the agency may apply additional cost containment measures.

(G) To the extent that the provisions of this subdivision require benefits that exceed the essential health benefits specified under section 1302(b) of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended, the specific benefits that exceed the specified essential health benefits shall not be required of insurance plans offered by the Public Employees Insurance Agency.

(9) For plans that include maternity benefits, coverage for the same maternity benefits for all individuals participating in or

receiving coverage under plans that are issued or renewed on or after January 1, 2014: *Provided*, That to the extent that the provisions of this subdivision require benefits that exceed the essential health benefits specified under section 1302(b) of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended, the specific benefits that exceed the specified essential health benefits shall not be required of a health benefit plan when the plan is offered in this state.

(b) The agency shall, with full authorization, make available to each eligible employee, at full cost to the employee, the opportunity to purchase optional group life and accidental death insurance as established under the rules of the agency. In addition, each employee is entitled to have his or her spouse and dependents, as defined by the rules of the agency, included in the optional coverage, at full cost to the employee, for each eligible dependent. ~~and with full authorization to the agency to make the optional coverage available and provide an opportunity of purchase to each employee.~~

(c) The finance board may cause to be separately rated for claims experience purposes:

(1) All employees of the State of West Virginia;

(2) All teaching and professional employees of state public institutions of higher education and county boards of education;

(3) All nonteaching employees of the Higher Education Policy Commission, West Virginia Council for Community and Technical College Education and county boards of education; or

(4) Any other categorization which would ensure the stability of the overall program.

(d) The agency shall maintain the medical and prescription drug coverage for Medicare eligible retirees by providing coverage through one of the existing plans or by enrolling the Medicare

eligible retired employees into a Medicare specific plan, including, but not limited to, the Medicare/Advantage Prescription Drug Plan. ~~In the event that~~ If a Medicare specific plan ~~would no longer be is no longer~~ available or advantageous for the agency and the retirees, the retirees shall remain eligible for coverage through the agency.

CHAPTER 33. INSURANCE.

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4k. Maternity coverage.

Notwithstanding any provision of any policy, provision, contract, plan or agreement applicable to this article, any health insurance policy subject to this article, issued or renewed on or after January 1, 2014, which provides health insurance coverage for maternity services, shall provide coverage for maternity services for all persons participating in or receiving coverage under the policy. To the extent that the provisions of this section require benefits that exceed the essential health benefits specified under section 1302(b) of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended, the specific benefits that exceed the specified essential health benefits are not required of a health benefit plan when the plan is offered by a health care insurer in this state. Coverage required under this section may not be subject to exclusions or limitations which are not applied to other maternity coverage under the policy.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-3w. Maternity coverage.

Notwithstanding any provision of any policy, provision, contract, plan or agreement applicable to this article, any health insurance policy subject to this article, issued or renewed on or after January 1, 2014, which provides health insurance coverage for

maternity services, shall provide coverage for maternity services for all persons participating in, or receiving coverage under the policy. To the extent that the provisions of this section require benefits that exceed the essential health benefits specified under section 1302(b) of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended, the specific benefits that exceed the specified essential health benefits are not required of a health benefit plan when the plan is offered by a health care insurer in this state. Coverage required under this section may not be subject to exclusions or limitations which are not applied to other maternity coverage under the policy.

ARTICLE 24. HOSPITAL MEDICAL AND DENTAL CORPORATIONS.

§33-24-7l. Maternity coverage.

Notwithstanding any provision of any policy, provision, contract, plan or agreement applicable to this article, a health insurance policy subject to this article, issued or renewed on or after January 1, 2014, which provides health insurance coverage for maternity services, shall provide coverage for maternity services for all persons participating in, or receiving coverage under the policy. To the extent that the provisions of this section require benefits that exceed the essential health benefits specified under section 1302(b) of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended, the specific benefits that exceed the specified essential health benefits are not required of a health benefit plan when the plan is offered by a health care insurer in this state. Coverage required under this section may not be subject to exclusions or limitations which are not applied to other maternity coverage under the policy.

ARTICLE 25. HEALTH CARE CORPORATION.

§33-25-8i. Maternity coverage.

Notwithstanding any provision of any policy, provision, contract, plan or agreement applicable to this article, a health insurance policy subject to this article, issued or renewed on or after January 1, 2014, which provides health insurance coverage for maternity services, shall provide coverage for maternity services for all persons participating in, or receiving coverage under the policy. To the extent that the provisions of this section require benefits that exceed the essential health benefits specified under section 1302(b) of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended, the specific benefits that exceed the specified essential health benefits are not required of a health benefit plan when the plan is offered by a health care insurer in this state. Coverage required under this section may not be subject to exclusions or limitations which are not applied to other maternity coverage under the policy.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-8k. Maternity coverage.

Notwithstanding any provision of any policy, provision, contract, plan or agreement applicable to this article, a health insurance policy subject to this article, issued or renewed on or after January 1, 2014, which provides health insurance coverage for maternity services, shall provide coverage for maternity services for all persons participating in, or receiving coverage under the policy. To the extent that the provisions of this section require benefits that exceed the essential health benefits specified under section 1302(b) of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended, the specific benefits that exceed the specified essential health benefits are not required of a health benefit plan when the plan is offered by a health care insurer in this state. Coverage required under this section may not be subject to exclusions or limitations which are not applied to other maternity coverage under the policy.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 22—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-15-4k; to amend said code by adding thereto a new section, designated §33-16-3w; to amend said code by adding thereto a new section, designated §33-24-7l; to amend said code by adding thereto a new section, designated §33-25-8i; and to amend said code by adding thereto a new section, designated §33-25A-8k, all relating generally to requiring health insurance coverage of maternity services in certain circumstances; providing maternity services for all individuals participating in or receiving insurance coverage under a health insurance policy or plan if those services are covered under the policy or plan; modifying required benefits for public employees insurance, accident and sickness insurance, group accident and sickness insurance, hospital medical and dental corporations, health care corporations and health maintenance organizations; and providing exceptions to the extent that required benefits exceed the essential health benefits specified under the Patient Protection and Affordable Care Act.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 22, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 22) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill No. 74, Relating to jury service qualification.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect July 1, 2013, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 101, Clarifying Medical Professional Liability Act applies to nursing homes and their health care providers.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page seven, section fifteen, line one hundred three, after "2013." by inserting the following: The amendments to this section in 2013 are not in any way intended to modify, change, expand or contract the Medical Professional Liability Act.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 101, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 101) passed with its title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 101) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 103, Creating WV Commuter Rail Access Act.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §29-18-3 and §29-18-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §29-18-24, all to read as follows:

ARTICLE 18. WEST VIRGINIA STATE RAIL AUTHORITY.

§29-18-3. Definitions.

As used in this article unless the context clearly requires a different meaning:

(1) “Authority” means the West Virginia ~~railroad maintenance~~ State Rail Authority created by this article, the duties, powers, responsibilities and functions of which are specified in this article.

(2) ~~“Bond” or “railroad maintenance~~ State Rail Authority bond” means a revenue bond or rate issued by the ~~railroad maintenance~~ State Rail Authority to effectuate the intents and purposes of this article.

(3) ~~“Railroad” means a common carrier by railroad as defined in section 1(3) of Part I of the Interstate Commerce Act (49 U. S. C. (1) 3).~~

(4) ~~“Owner” means and includes all individuals, copartnerships, associations, corporations, companies, transportation companies, public service corporations, the United States or any agency or instrumentality thereof, common carriers by rail and railroad companies having any title or interest in any rail properties authorized to be acquired, leased or used by this article.~~

(5) ~~“Income” means and includes all money accruing to the authority from any source.~~

(6) ~~“Person” means individuals, corporations, partnerships or foreign and domestic associations, including railroads.~~

(3) “Commuter rail” means a transit mode that is an electric or diesel propelled railway for urban passenger train service consisting of local short distance travel operating between a central city and adjacent suburbs. Service must be operated on a regular basis by or under contract with a transit operator for the purpose of transporting passengers within urbanized areas or between urbanized areas and outlying areas. The rail service, using either locomotive-hauled or self-propelled railroad passenger cars, is generally characterized by multitrip tickets, specific station-to-station fares or railroad employment practices and usually has only one or two stations in the central business district. It does not include heavy rail rapid transit or light rail/streetcar transit service. Intercity rail service is excluded except for that portion of service operated by or under contract with a public transit agency for predominantly commuter services. Only the predominantly commuter service portion of an

intercity route is eligible for inclusion when determining commuter rail route miles.

(4) “Heavy rail” means a transit mode that is an electric railway with the capacity for a heavy volume of traffic. It is characterized by high speed and rapid acceleration passenger rail cars operating singly or in multicar trains on fixed rails, separate rights-of-way from which all other vehicular and foot traffic are excluded, sophisticated signaling and high platform loading.

(5) “Income” means and includes all money accruing to the authority from any source.

(6) “Light rail” means a transit mode that typically is an electric railway with a light volume traffic capacity compared to heavy rail. It is characterized by passenger rail cars operating singly or in short, usually two-car, trains, on fixed rails in shared or exclusive rights-of-way, low- or high-platform loading and vehicle power drawn from an overhead electric line via a trolley or a pantograph.

(7) “Owner” means and includes all individuals, copartnerships, associations, corporations, companies, transportation companies, public service corporations, the United States or any agency or instrumentality thereof, common carriers by rail and railroad companies having any title or interest in any rail properties authorized to be acquired, leased or used by this article.

(8) “Person” means individuals, corporations, partnerships or foreign and domestic associations, including railroads.

(9) “Predominantly commuter services” means that for any given trip segment (i.e., distance between two stations), more than fifty percent of the average daily ridership travels on the train at least three times a week.

(7) (10) “Rail properties” means assets or rights owned, leased, or otherwise controlled by a railroad or other person which are

used, or useful, in rail transportation service: *Provided*, That rail properties does not include any properties owned, leased, or otherwise controlled by a railroad not in reorganization, unless it consents to such properties' inclusion in the particular transaction.

(8) (11) "Rail service" means both freight and passenger service.

(12) "Railroad" means a common carrier by railroad as defined in section 1(3) of Part I of the Interstate Commerce Act (49 U. S. C. (1) 3).

(9) (13) "Railroad project" means the initiation, acquisition, construction, maintenance, repair, equipping or operation of rail properties or rail service, or the provisions of loans or grants to or with government agencies, or to persons for such purposes, by the authority.

§29-18-6. Powers, duties and responsibilities of authority generally.

The West Virginia State Rail Authority is hereby granted, has and may exercise all powers necessary or appropriate to carry out and effectuate its corporate purpose.

(a) The authority may:

(1) Adopt and, from time to time, amend and repeal bylaws necessary and proper for the regulation of its affairs and the conduct of its business and propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement and make effective its powers and duties.

(2) Adopt an official seal.

(3) Maintain a principal office and, if necessary, regional suboffices at locations properly designated or provided.

(4) Sue and be sued in its own name and plead and be impleaded in its own name and particularly to enforce the obligations and covenants made under sections ten, eleven and sixteen of this article. Any actions against the authority shall be brought in the circuit court of Kanawha County. The location of the principal office of the authority shall be determined by the Governor.

(5) Make loans and grants to governmental agencies and persons for carrying out railroad projects by any governmental agency or person and, in accordance with chapter twenty-nine-a of this code, propose rules for legislative approval and procedures for making such loans and grants.

(6) Acquire, construct, reconstruct, enlarge, improve, furnish, equip, maintain, repair, operate, lease or rent to or contract for operation by a governmental agency or person, railroad projects and, in accordance with chapter twenty-nine-a of this code, propose legislative rules for the use of these projects.

(7) Make available the use or services of any railroad project to one or more persons, one or more governmental agencies or any combination thereof.

(8) Issue ~~Railroad Maintenance~~ State Rail Authority bonds and notes and refunding bonds of the state, payable solely from revenues as provided in section ten of this article unless the bonds are refunded by refunding bonds for the purpose of paying any part of the cost of one or more railroad projects or parts thereof.

(9) Acquire, by gift or purchase, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties as set forth in this article.

(10) Acquire in the name of the state, by purchase or otherwise, on terms and in the manner it considers proper, or by the exercise of the right of eminent domain in the manner provided in chapter fifty-four of this code, rail properties and appurtenant rights and interests necessary for carrying out railroad projects.

(11) (A) Make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers including, but not limited to, the power to make contracts and agreements in accordance with the provisions set forth in paragraph (B) of this subdivision.

(B) Make and enter into contracts and agreements to acquire rolling stock or equipment with a value of \$500,000 or less exempt from the provisions of article three, chapter five-a of this code.

The authority shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code which set forth the methods for determining value of rolling stock or equipment to be purchased in accordance with the provisions of paragraph (B) of this subdivision.

(C) Where rolling stock, equipment or trackage of the authority is in need of immediate maintenance, repair or reconstruction in order to avoid a cessation of its operations, economic loss, the inability to provide essential service to customers or danger to authority personnel or the public, the following requirements and procedures for entering into the contract or agreement to remedy the condition shall be in lieu of those provided in article three, chapter five-a of this code or any legislative rule promulgated pursuant thereto:

(i) If the cost under the contract or agreement involves an expenditure of more than \$1,000, but \$10,000 or less, the authority shall award the contract to or enter into the agreement with the lowest responsible bidder based upon at least three oral bids made pursuant to the requirements of the contract or agreement.

(ii) If the cost under the contract or agreement, other than one for compensation for personal services, involves an expenditure of more than \$10,000, but \$100,000 or less, the authority shall award the contract to or enter into the agreement with the lowest responsible bidder based upon at least three bids, submitted to the

authority in writing on letterhead stationery, made pursuant to the requirements of the contract or agreement.

(D) Notwithstanding any other provision of this code to the contrary, a contract or lease for the operation of a railroad project constructed and owned by the authority or an agreement for cooperation in the acquisition or construction of a railroad project pursuant to section sixteen of this article is not subject to the provisions of article three, chapter five-a of this code or any legislative rule promulgated pursuant thereto and the authority may enter into the contract or lease or the agreement pursuant to negotiation and upon such terms and conditions and for a period of time as it finds to be reasonable and proper under the circumstances and in the best interests of proper operation or of efficient acquisition or construction of the railroad project.

(E) The authority may reject any and all bids. A bond with good and sufficient surety, approved by the authority, is required of all contractors in an amount equal to at least fifty percent of the contract price, conditioned upon the faithful performance of the contract.

(12) Appoint a director and employ managers, superintendents and other employees and retain or contract with consulting engineers, financial consultants, accountants, attorneys and other consultants and independent contractors as are necessary in its judgment to carry out the provisions of this article and fix the compensation or fees thereof. All expenses thereof are payable from the proceeds of ~~Railroad Maintenance~~ State Rail Authority revenue bonds or notes issued by the authority, from revenues and funds appropriated for this purpose by the Legislature or from grants from the federal government which may be used for such purpose.

(13) Receive and accept from any state or federal agency grants for or in aid of the construction of any railroad project or for research and development with respect to railroads and receive and accept aid or contributions from any source of money, property,

labor or other things of value, to be held, used and applied only for the purposes for which the grants and contributions are made.

(14) Engage in research and development with respect to railroads.

(15) Purchase fire and extended coverage and liability insurance for any railroad project and for the principal office and suboffices of the authority, insurance protecting the authority and its officers and employees against liability, if any, for damage to property or injury to or death of persons arising from its operations and be a member of, and to participate in, the state workers' compensation program.

(16) Charge, alter and collect rates, rentals and other charges for the use or services of any railroad project as provided in this article.

(17) Do all acts necessary and proper to carry out the powers expressly granted to the authority in this article.

(b) In addition, the authority has the power to:

(1) Acquire rail properties both within and not within the jurisdiction of the Interstate Commerce Commission and rail properties within the purview of the federal Regional Rail Reorganization Act of 1973, any amendments to it and any other relevant federal legislation.

(2) Enter into agreements with owners of rail properties for the acquisition of rail properties or use, or both, of rail properties upon the terms, conditions, rates or rentals that can best effectuate the purposes of this article.

(3) Acquire rail properties and other property of a railroad in concert with another state or states as is necessary to ensure continued rail service in this state.

(4) Administer and coordinate the state plan.

(5) Provide in the state plan for the equitable distribution of federal rail service continuation subsidies among state, local and regional transportation authorities.

(6) Promote, supervise and support safe, adequate and efficient rail services.

(7) Employ sufficiently trained and qualified personnel for these purposes.

(8) Maintain adequate programs of investigation, research, promotion and development in connection with the purposes and to provide for public participation therein.

(9) Provide satisfactory assurances on behalf of the state that fiscal control and fund accounting procedures will be adopted by the state necessary to assure proper disbursement of and accounting for federal funds paid to the state as rail service continuation subsidies.

(10) Comply with the regulations of the Secretary of Transportation of the United States Department of Transportation affecting federal rail service continuation programs.

(11) Do all things otherwise necessary to maximize federal assistance to the state under Title IV of the federal Regional Rail Reorganization Act of 1973 and to qualify for rail service continuation subsidies pursuant to the federal Regional Rail Reorganization Act of 1973.

(c) Additional authority in regard to the Maryland Area Regional Commuter.

(1) The Rail Authority is hereby granted, has and may exercise all aforementioned powers necessary or appropriate to coordinate all activities with the Maryland Transit Administration to assure the

continued operation of the Maryland Area Regional Commuter into the eastern panhandle of the state.

(2) In addition to the authority provided in subdivision (1) of this subsection, the Rail Authority shall negotiate agreements with the State of Maryland or the Maryland Transit Administration for the continued operation of the commuter rail operation between Maryland and the Washington, D. C., metropolitan area and West Virginia. A commuter rail operation agreement shall provide for quantity and quality of commuter rail service, including certain minimum daily service at least equivalent to the level service on the effective date of the amendments to this subsection enacted in the Regular Session of the Legislature 2013, unless daily ridership diminishes significantly from said date. The agreement may provide for the payment of track access fees attributed to commuter rail operation within the boundaries of the state. Any payments of track access fees pursuant to the agreement shall be paid from the special fund created in section twenty-four of this article as provided by appropriation of the Legislature.

§29-18-24. Creation of the West Virginia Commuter Rail Access Fund.

There is hereby established a special fund in the State Treasury known as the West Virginia Commuter Rail Access Fund. The fund shall be administered by the director and shall consist of appropriations by the Legislature. Subject to legislative appropriation, the director shall administer the fund to pay track access fees pursuant to the agreement required by section six of this article. Balances in the fund at the end of any fiscal year shall not expire, but shall be expended for those purposes in ensuing fiscal years.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 103—A Bill to amend and reenact §29-18-3 and §29-18-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-18-24, all relating to commuter rail access in West Virginia; providing authority for the State Rail Authority to negotiate an agreement with the State of Maryland for operation of commuter rail in West Virginia; providing terms of minimum daily service requirements in the agreement; providing for the payment of track access fees pursuant to the agreement; and creating a special fund to pay track access fees.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 103, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 103) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House

of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 146, Collecting unpaid magistrate court charges through income tax refund withholding.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 3. COSTS, FINES AND RECORDS.

§50-3-2c. Withholding from personal income tax refunds for unpaid fines and costs in magistrate criminal actions, in magistrate criminal appeals to circuit court and for failure to appear in court.

(a) If costs, fines, fees, forfeitures, restitution or penalties imposed by the magistrate court upon conviction of a person for a criminal offense as defined by this code, imposed by the circuit court upon judgment on an appeal to circuit court of that conviction, or imposed by either court for failure to appear are not paid in full within one year of the judgment, the magistrate court clerk or, upon a judgment rendered on appeal, the circuit clerk shall notify the Tax Commissioner that the defendant has failed to pay the costs, fines, forfeitures or penalties assessed by the court. The notice provided by the magistrate clerk or the circuit clerk to the Tax Commissioner must include the defendant's Social Security number. The Tax Commissioner, or his or her designee, shall withhold from any personal income tax refund due and owing to a defendant the costs, fines, fees, forfeitures, restitution or penalties due, the Tax Commissioner's administration fee for the withholding

and any and all fees or other amounts that the magistrate court and the circuit court would have collected had the defendant appeared: *Provided*, That no withholding shall be made under this section if there is an unsatisfied withholding request made pursuant to section two-b, article ten, chapter eight of this code. The Tax Commissioner's administration fee shall not exceed \$25, unless this maximum amount is increased by legislative rule promulgated in accordance with article three, chapter twenty-nine-a of this code. The administrative fees deducted shall be deposited in the special revolving fund hereby created in the State Treasury, which shall be designated as the Magistrate Fines and Fees Collection Fund, and the Tax Commissioner shall make such expenditures from the fund as he or she deems appropriate for the administration of this subsection.

(b)(1) After deduction of the Tax Commissioner's administration fee, the Tax Commissioner shall remit all remaining amounts withheld pursuant to this section to the clerk of the court that notified the Tax Commissioner of the failure to pay under subsection (a) of this section.

(2) From the amounts received from the Tax Commissioner, the circuit clerk shall distribute the portion thereof that is attributable to costs, fines, fees, forfeitures, restitution or penalties owed to magistrate court to the magistrate clerk and distribute the remainder that is attributable to costs, fines, fees, forfeitures, restitution or penalties owed to circuit court to the appropriate fund or payee, as applicable and listed in section twenty-eight-a, article one, chapter fifty-nine of this code and as otherwise required by law.

(3) From the amounts received from the Tax Commissioner, or from the circuit clerk under subdivision (2) of this subsection, the magistrate clerk shall distribute applicable costs, fines, fees, forfeitures, restitution or penalties owed to the appropriate fund or payee, as applicable and listed in subsection (g), section two-a of this article and as otherwise required by law.

(4) After the costs, fines, fees, forfeitures, restitution or penalties are withheld, the Tax Commissioner shall refund any remaining balance due the defendant.

(5) If the refund is not sufficient to cover all the costs, fines, fees, forfeitures, restitution or penalties to be withheld pursuant to this section, the Tax Commissioner's administration fee shall be retained by the Tax Commissioner and the remaining money withheld shall be remitted by the Tax Commissioner to the appropriate clerk. The clerk shall then allocate the money so remitted on a pro rata basis as provided in the applicable provisions of subdivision (2) or (3) of this subsection.

(c) In the event the costs, fines, fees, forfeitures, restitution or penalties exceed the defendant's income tax refund, the Tax Commissioner shall withhold the remaining balance in subsequent years until such time as the costs, fines, fees, forfeitures, restitution or penalties owed are paid in full. The Tax Commissioner shall remit the moneys that he or she collects to the appropriate clerk no later than July 1 of each year. If the circuit court or the magistrate court subsequently determines that any costs, fines, fees, forfeitures, restitution or penalties were erroneously imposed, the clerk of the court shall promptly notify the Tax Commissioner. If the amounts due are paid in full to the court from a source other than the Tax Commissioner after the clerk of the court has provided notice of the failure to pay to the tax commissioner, the clerk of the court shall promptly notify the Tax Commissioner of the payment. If the refunds have not been withheld and remitted, the Tax Commissioner may not withhold and remit payment to the appropriate court and shall so inform the clerk of the court. If the refunds have already been withheld and remitted to the court, the Tax Commissioner shall so inform the clerk of the court. In either event, all refunds for erroneously imposed costs, fines, forfeitures or penalties shall be made by the appropriate court and not by the Tax Commissioner.

(d) *Rules.* – The Tax Commissioner may propose for legislative approval such rules as may be useful or necessary to carry out

the purpose of this section and to implement the intent of the Legislature. Rules shall be promulgated in accordance with article three, chapter twenty-nine-a of this code.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 146—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §50-3-2c, relating to requiring the Tax Commissioner to withhold unpaid costs, fines, fees, forfeitures, restitution, penalties and other fees imposed on a defendant in a criminal action in magistrate court, or imposed in circuit court in a criminal action on appeal from magistrate court, from the income tax refund of the defendant upon notification from the clerk of the appropriate court; requiring clerk to give notification to Tax Commissioner if amounts are unpaid within one year of judgment; providing a process for deducting, distributing and allocating those unpaid amounts; creating the Magistrate Fines and Fees Collection Fund; permitting the Tax Commissioner to charge an administrative fee; and providing rule-making authority.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 146, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 146) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 185, Relating to alternative-fuel motor vehicles and qualified refueling infrastructure tax credits.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect July 1, 2013, of

Eng. Senate Bill No. 190, Relating to public-private transportation projects funding.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 335, Permitting certain hospitals exemption from certificate of need.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On pages ten and eleven, section four, lines one hundred sixty-nine through one hundred seventy-five, by striking out all of subdivision (1) and inserting in lieu thereof a new subdivision, designated subdivision (1), to read as follows:

(1) (A) The ambulatory health care facility is located in the same county as the hospital; or

(B) The ambulatory health care facility is located in the same zip code as the hospital, and the hospital is located in a zip code that crosses a county line, the hospital is the only hospital in the county, the hospital is located less than one-half mile from the county line in which it is located and the hospital is located less than one mile from a state bordering West Virginia;.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 335, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 335) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 335) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 336, Relating to interscholastic athletics concussions and head injuries.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-2-25a, to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-25a. Management of concussions and head injuries in athletics at West Virginia Secondary School Activities Commission member high school or middle school.

(a) The Legislature makes the following findings:

(1) Concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The Centers for Disease Control and Prevention estimates that as many as 3.9 million sports-related and recreation-related concussions occur in the United States each year;

(2) A concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull. The risk of catastrophic injuries or death is significant when a concussion or head injury is not properly evaluated and managed;

(3) Concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally functions;

(4) Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other or with obstacles;

(5) Concussions occur with or without loss of consciousness, but the vast majority occur without loss of consciousness;

(6) The interscholastic athlete who continues to play or practice with a concussion or symptoms of head injury is especially vulnerable to greater injury and even death; and

(7) Even with generally recognized return-to-play-and-practice standards for concussion and head injury, some affected interscholastic athletes are prematurely returned to play or practice resulting in increased risk of physical injury or death to the athletes in the State of West Virginia.

(b) For the purposes of this section, “interscholastic athlete” means any athlete who is participating in interscholastic athletics at a high school or middle school that is a member of the West Virginia Secondary School Activities Commission. “Licensed health care professional” means a health care provider whose licensed scope of practice includes the ability to diagnose and treat an injury or disease.

(c) The West Virginia Secondary School Activities Commission shall promulgate rules pursuant to section twenty-five of this article that address concussions and head injuries in interscholastic athletes: *Provided*, That prior to state board approval and notwithstanding the exemption provided in section three, article one, chapter twenty-nine-a of this code, the state board shall submit the rule to the Legislative Oversight Commission on Education Accountability pursuant to section nine, article three-b, chapter twenty-nine-a of this code.

(d) The rules required by this section shall include, but are not limited to, the following:

(1) Guidelines and other pertinent information to inform and educate appropriate school administrators, coaches, interscholastic athletes and their parents or guardians of the nature and risk of concussion and head injury including the risks of continuing to play or practice after a concussion or head injury;

(2) A concussion and head injury information sheet that shall be signed and returned by the interscholastic athlete and the athlete’s parent or guardian on an annual basis before the interscholastic athlete begins practice or competition;

(3) A requirement that each head coach of an interscholastic sport at a high school or middle school who is a member of the West Virginia Secondary School Activities Commission complete a commission-approved concussion and head injury recognition and return-to-play protocol course annually;

(4) A requirement that an interscholastic athlete who is suspected by a licensed health care professional or by his or her head coach or athletic trainer of having sustained a concussion or head injury in a practice or game shall be removed from competition at that time;

(5) A requirement that an interscholastic athlete who has been removed from play or practice may not return to play or practice until the athlete is evaluated by a licensed health care professional trained in the evaluation and management of concussions and receives written clearance to return to play and practice from the licensed health care professional;

(6) A list of the respective categories of licensed health care professionals who, if properly trained in the evaluation and management of concussions, are authorized to provide written clearance for the interscholastic athlete to return to play; and

(7) A requirement that all member schools must submit a report to the West Virginia Secondary School Activities Commission within thirty days of an interscholastic athlete suffering or being suspected of suffering a concussion or head injury in a practice or game. The report must state whether an evaluation by a licensed health care professional verified that a concussion or head injury was actually suffered, whether the athlete received written clearance to return to play or practice and, if written clearance was given, the number of days between the incident and the actual return to play or practice. If written clearance to return to play is given after thirty days of the incident, a report update shall be submitted. The West Virginia Secondary School Activities Commission shall compile and submit the reports to the appropriate state and national organization or agencies to analyze and make determinations on whether the rule

required by this section needs to be amended or if equipment worn by interscholastic athlete needs to be changed accordingly.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 336—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25a, relating to establishing protocols and protections to limit and treat injury to youth athletes and students; making legislative findings with respect to concussions and athletic endeavors; defining certain terms; requiring certain rules; and setting forth certain minimum provisions of rules.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 336, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com.

Sub. for Com. Sub. for S. B. No. 336) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect July 1, 2013, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill No. 394, Relating to scholarships for dependent children of state troopers who die in performance of duty.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §5-10-27 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §7-14D-20 of said code be amended and reenacted; that §8-22A-22 of said code be amended and reenacted; that §15-2-33 of said code be amended and reenacted; and that §15-2A-12 of said code be amended and reenacted, all to read as follows:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY
OF THE GOVERNOR, SECRETARY OF STATE AND
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;
MISCELLANEOUS AGENCIES, COMMISSIONS,
OFFICES, PROGRAMS, ETC.**

**ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES
RETIREMENT ACT.****§5-10-27. Preretirement death annuities.**

(a) (1) Except as otherwise provided in this section, in the event any member who has ten or more years of credited service or any former member with ten or more years of credited service and who is entitled to a deferred annuity, pursuant to section twenty-one of this article, may at any time prior to the effective date of his or her retirement, by written declaration duly executed and filed with the board of trustees, in the same manner as if he or she were then retiring from the employ of a participating public employer, elect option A provided in section twenty-four of this article and nominate a beneficiary whom the board finds to have had an insurable interest in the life of the member. Prior to the effective date of his or her retirement, a member may revoke his or her election of option A and nomination of beneficiary and he or she may again prior to his or her retirement elect option A and nominate a beneficiary as provided in this subsection. Upon the death of a member who has an option A election in force, his or her beneficiary, if living, shall immediately receive an annuity computed in the same manner in all respects as if the same member had retired the day preceding the date of his or her death, notwithstanding that he or she might not have attained age sixty years, and elected the said option A. If at the time of his or her retirement a member has an option A election in force, his or her election of option A and nomination of beneficiary shall thereafter continue in force. As an alternative to annuity option A, a member or former member may elect to have the preretirement death benefit paid as a return of accumulated contributions in a lump sum amount to any beneficiary or beneficiaries he or she chooses.

(2) In the event any member or former member, who first became a member of the Public Employees Retirement System after the effective date of amendments made to this section during the 2006 regular legislative session and who has ten or more

years of credited service and who is entitled to a deferred annuity, pursuant to section twenty-one of this article: Dies without leaving a surviving spouse; but leaves surviving him or her a child who is financially dependent on the member by virtue of a permanent mental or physical disability upon evidence satisfactory to the board; and has named the disabled child as sole beneficiary, the disabled child shall immediately receive an annuity computed in the same manner in all respects as if the member had: (A) Retired the day preceding the date of his or her death, notwithstanding that he or she might not have attained age sixty or sixty-two years, as the case may be; (B) elected option A provided in section twenty-four of this article; and (C) nominated his or her disabled child as beneficiary. A member or former member with ten or more years of credited service, who does not leave surviving him or her a spouse or a disabled child, may elect to have the preretirement death benefit paid as a return of accumulated contributions in a lump sum amount to any beneficiary or beneficiaries he or she chooses.

(b) (1) In the event any member who has ten or more years of credited service, or any former member with ten or more years of credited service and who is entitled to a deferred annuity, pursuant to section twenty-one of this article: Dies; and leaves a surviving spouse, the surviving spouse shall immediately receive an annuity computed in the same manner in all respects as if the member had: (A) Retired the day preceding the date of his or her death, notwithstanding that he or she might not have attained age sixty or sixty-two years, as the case may be; (B) elected option A provided in section twenty-four of this article; and (C) nominated his or her surviving spouse as beneficiary. However, the surviving spouse shall have the right to waive the annuity provided in this section: *Provided*, That he or she executes a valid and notarized waiver on a form provided by the board and that the member or former member attests to the waiver. If the waiver is presented to and accepted by the board, the member or former member, may nominate a beneficiary who has an insurable interest in the member's or former member's life. As an alternative to annuity option A, the member or former member may elect to have the preretirement death benefit paid as a

return of accumulated contributions in a lump sum amount to any beneficiary or beneficiaries he or she chooses in the event a waiver, as provided in this section, has been presented to and accepted by the board.

(2) Whenever any member or former member who first became a member of the retirement system after the effective date of the amendments to this section made during the 2006 regular legislative session and who has ten or more years of credited service and who is entitled to a deferred annuity, pursuant to section twenty-one of this article: Dies; and leaves a surviving spouse, the surviving spouse shall immediately receive an annuity computed in the same manner in all respects as if the member had: (A) Retired the day preceding the date of his or her death, notwithstanding that he or she might not have attained age sixty or sixty-two years, as the case may be; (B) elected option A provided in section twenty-four of this article; and (C) nominated his or her surviving spouse as beneficiary. However, the surviving spouse shall have the right to waive the annuity provided in this section: *Provided*, That he or she executes a valid and notarized waiver on a form provided by the board and that the member or former member attests to the waiver. If the waiver is presented to and accepted by the board, the member or former member may: (1) Elect to have the preretirement death benefit paid in a lump sum amount, rather than annuity option A provided in section twenty-four of this article, as a return of accumulated contributions to any beneficiary or beneficiaries he or she chooses; or (2) may name his or her surviving child, who is financially dependent on the member by virtue of a permanent mental or physical disability, as his or her sole beneficiary to receive an annuity computed in the same manner in all respects as if the member had: (A) Retired the day preceding the date of his or her death, notwithstanding that he or she might not have attained the age of sixty or sixty-two as the case may be; (B) elected option A provided in section twenty-four of this article; and (C) nominated his or her disabled child as beneficiary.

(c) In the event any member who has ten or more years of credited service or any former member with ten or more years of credited service and who is entitled to a deferred annuity, pursuant to section twenty-one of this article: (1) Dies without leaving surviving him or her a spouse; but (2) leaves surviving him or her an infant child or children; and (3) does not have a beneficiary nominated as provided in subsection (a) of this section, the infant child or children are entitled to an annuity to be calculated as follows: The annuity reserve shall be calculated as though the member had retired as of the date of his or her decease and elected a straight life annuity and the amount of the annuity reserve shall be paid in equal monthly installments to the member's infant child or children until the child or children attain age twenty-one or sooner marry or become emancipated; however, in no event shall any child or children receive more than \$250 per month each. The annuity payments shall be computed as of the date of the death of the member and the amount of the annuity shall remain constant during the period of payment. The annual amount of the annuities payable by this section shall not exceed sixty percent of the deceased member's final average salary.

(d) In the event any member or former member does not have ten or more years of credited service, no preretirement death annuity may be authorized, owed or awarded under this section, except as provided in subdivision (4), subsection (a), section fifteen of this article as amended during the 2005 regular session of the Legislature.

(e) Any person qualified as a surviving dependent child under this section, who is the surviving dependent child of a law-enforcement officer who loses his or her life in the performance of duty, in addition to any other benefits due under this or other sections of this article, is entitled to receive a scholarship to be applied to the career development education of that person. This sum, up to but not exceeding \$7,500 per year, shall be paid from the fund to any higher education institution in this state, career-technical education provider in this state or other entity in this state approved by the board, to

offset the expenses of tuition, room and board, books, fees or other costs incurred in a course of study at any of those institutions so long as the recipient makes application to the board on an approved form and under rules as provided by the board and maintains scholastic eligibility as defined by the institution or the board. The board may by appropriate rules define age requirements, physical and mental requirements, scholastic eligibility, disbursement methods, institutional qualifications and other requirements as necessary and not inconsistent with this section.

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 14D. DEPUTY SHERIFF RETIREMENT SYSTEM ACT.

§7-14D-20. Additional death benefits and scholarships – Dependent children.

(a) In addition to the spouse death benefits in sections eighteen and nineteen of this article, the surviving spouse is entitled to receive and there shall be paid to the spouse \$100 monthly for each dependent child.

(b) If the surviving spouse dies or if there is no surviving spouse, the fund shall pay monthly to each dependent child a sum equal to one fourth of the surviving spouse's entitlement under either section nineteen or twenty of this article. If there is neither a surviving spouse nor a dependent child, the fund shall pay in equal monthly installments to the dependent parents of the deceased member during their joint lifetimes a sum equal to the amount which a surviving spouse, without children, would have received: *Provided*, That when there is only one dependent parent surviving, that parent is entitled to receive during his or her lifetime one-half the amount which both parents, if living, would have been entitled to receive: *Provided, however*, That if there is no surviving spouse, dependent child, nor dependent parent of the deceased member the accumulated contributions shall be paid to a named beneficiary or

beneficiaries: *Provided further*, That if there is no surviving spouse, dependent child, nor dependent parent of the deceased member, nor any named beneficiary or beneficiaries then the accumulated contributions shall be paid to the estate of the deceased member.

(c) Any person qualifying as a dependent child under this section, in addition to any other benefits due under this or other sections of this article, is entitled to receive a scholarship to be applied to the career development education of that person. This sum, up to but not exceeding ~~\$6,000~~ \$7,500 per year, shall be paid from the fund to any ~~university or college in this state or to any trade or vocational school~~ higher education institution in this state, career-technical education provider in this state or other entity in this state approved by the board, to offset the expenses of tuition, room and board, books, fees or other costs incurred in a course of study at any of these institutions so long as the recipient makes application to the board on an approved form and under such rules as the board may provide, and maintains scholastic eligibility as defined by the institution or the board. The board may propose legislative rules for promulgation in accordance with article three, chapter twenty-nine-a of this code which define age requirements, physical and mental requirements, scholastic eligibility, disbursement methods, institutional qualifications and other requirements as necessary and not inconsistent with this section.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 22A. WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM.

§8-22A-22. Additional death benefits and scholarships – Dependent children.

(a) Except as provided in subsection (a), section nine of this article, in addition to the spouse death benefits in this article, the surviving spouse is entitled to receive and there shall be paid to the spouse \$100 monthly for each dependent child.

(b) If the surviving spouse dies or if there is no surviving spouse, the fund shall pay monthly to each dependent child a sum equal to one hundred percent of the spouse's entitlement under this article divided by the number of dependent children. If there is neither a surviving spouse nor a dependent child, the fund shall pay in equal monthly installments to the dependent parents of the deceased member during their joint lifetimes a sum equal to the amount which a surviving spouse, without children, would have received: *Provided*, That when there is only one dependent parent surviving, that parent is entitled to receive during his or her lifetime one-half the amount which both parents, if living, would have been entitled to receive: *Provided, however*, That if there is no surviving spouse, dependent child or dependent parent of the deceased member, the accumulated contributions shall be paid to a named beneficiary or beneficiaries: *Provided further*, That if there is no surviving spouse, dependent child or dependent parent of the deceased member, or any named beneficiary or beneficiaries, then the accumulated contributions shall be paid to the estate of the deceased member.

(c) Any person qualifying as a dependent child under this section, in addition to any other benefits due under this or other sections of this article, is entitled to receive a scholarship to be applied to the career development education of that person. This sum, up to but not exceeding ~~\$6,000~~ \$7,500 per year, shall be paid from the fund to any ~~university or college in this state or to any trade or vocational school~~ higher education institution in this state, career-technical education provider in this state or other entity in this state approved by the board, to offset the expenses of tuition, room and board, books, fees or other costs incurred in a course of study at any of these institutions so long as the recipient makes application to the board on an approved form and under rules provided by the board and maintains scholastic eligibility as defined by the institution or the board. The board may propose legislative rules for promulgation in accordance with article three, chapter twenty-nine-a of this code which define age requirements, physical and mental requirements, scholastic eligibility, disbursement methods, institutional qualifications and other requirements as necessary and not inconsistent with this section.

CHAPTER 15. PUBLIC SAFETY.**ARTICLE 2. WEST VIRGINIA STATE POLICE.****§15-2-33. Awards and benefits to dependents of member when the member dies in performance of duty; to dependents of a duty disability retirant; dependent child scholarship and amount.**

(a) The surviving spouse or the dependent child or children or dependent parent or parents of any member who has lost or loses his or her life by reason of injury, illness or disease resulting from an occupational risk or hazard inherent in or peculiar to the service required of employees while the member was or is engaged in the performance of his or her duties as an employee of the agency, or if a retirant dies from any cause after having been retired pursuant to the provisions of section twenty-nine of this article, the surviving spouse or other dependent is entitled to receive and shall be paid from the fund benefits as follows: To the surviving spouse annually, in equal monthly installments during his or her lifetime the greater of one or the other of two amounts:

(1) An amount equal to five and one-half percent of the total salary which was or would have been earned by the deceased member or duty disability retirant during twenty-five years of service based on the average earnings of the member or duty disability retirant while employed by the agency; or

(2) The sum of \$6,000.

(b) In addition, the surviving spouse is entitled to receive and shall be paid \$100 monthly for each dependent child or children. If the surviving spouse dies or if there is no surviving spouse, there shall be paid monthly to each dependent child or children from the fund a sum equal to twenty-five percent of the surviving spouse's entitlement. If there is no surviving spouse and no dependent child or children, there shall be paid annually in equal monthly

installments from the fund to the dependent parents of the deceased member or retirant during their joint lifetimes a sum equal to the amount which a surviving spouse, without children, would have received: *Provided*, That when there is one dependent parent surviving, that parent is entitled to receive during his or her lifetime one half the amount which both parents, if living, would have been entitled to receive.

(c) Any person qualified as a surviving dependent child under this section, in addition to any other benefits due under this or other sections of this article, is entitled to receive a scholarship to be applied to the career development education of that person. This sum, up to but not exceeding \$7,500 per year, shall be paid from the fund to any ~~university or college in this state or to any trade or vocational school~~ higher education institution in this state, career-technical education provider in this state or other entity in this state approved by the board, to offset the expenses of tuition, room and board, books, fees or other costs incurred in a course of study at any of those institutions so long as the recipient makes application to the board on an approved form and under rules as provided by the board and maintains scholastic eligibility as defined by the institution or the board. The board may by appropriate rules define age requirements, physical and mental requirements, scholastic eligibility, disbursement methods, institutional qualifications and other requirements as necessary and not inconsistent with this section.

(d) A surviving spouse or dependent of an employee meeting the requirements of this section is entitled to receive beneficiary payments on the first day following the date the deceased employee is removed from payroll by the agency. A surviving spouse or dependent of a member who is not currently an employee meeting the requirements of this section is entitled to receive beneficiary payments on the first day following the date of the deceased member's death. A surviving spouse or dependent of a retirant meeting the requirements of this section is entitled to receive beneficiary payments on the first day of the month following the date

of the deceased retirant's death. Upon receipt of properly executed forms from the agency and the surviving spouse or dependent, the board shall process the surviving spouse or dependent benefit as soon as administratively feasible.

(e) For the purposes of this section, the term "salary" does not include any compensation paid for overtime service.

ARTICLE 2A. WEST VIRGINIA STATE POLICE RETIREMENT SYSTEM.

§15-2A-12. Awards and benefits to dependents of employees or retirants - When employee dies in performance of duty, etc.; dependent child scholarship and amount.

The surviving spouse, the dependent child or children or dependent parent or parents of any employee who has lost or shall lose his or her life by reason of injury, illness or disease resulting from an occupational risk or hazard inherent in or peculiar to the service required of employees while the employee was engaged in the performance of his or her duties as an employee of the agency, or the survivor of a retirant who dies from any cause after having been retired pursuant to the provisions of section nine of this article, is entitled to receive and shall be paid from the fund benefits as follows: To the surviving spouse annually, in equal monthly installments during his or her lifetime, one or the other of two amounts, which shall become payable the first day of the month following the employee's or retirant's death and which shall be the greater of:

(1) An amount equal to nine-tenths of the base salary received in the preceding full twelve-month employment period by the deceased employee: *Provided*, That if the employee had not been employed with the agency for twelve full months prior to his or her death, the amount of monthly salary shall be annualized for the purpose of determining the benefit; or

(2) The sum of \$10,000.

In addition, the surviving spouse is entitled to receive and shall be paid \$150 monthly for each dependent child. If the surviving spouse dies or if there is no surviving spouse, there shall be paid monthly to each dependent child or children from the fund a sum equal to one third of the surviving spouse's entitlement. If there is no surviving spouse and no dependent child or children, there shall be paid annually in equal monthly installments from the fund to the dependent parents of the deceased member during their joint lifetimes a sum equal to the amount which a surviving spouse, without children, would have received: *Provided*, That when there is one dependent parent surviving, that parent is entitled to receive during his or her lifetime one half the amount which both parents, if living, would have been entitled to receive: *Provided, however*; That if there is no surviving spouse, dependent child or dependent parent of the deceased member, the accumulated contributions shall be paid to a named beneficiary or beneficiaries: *Provided further*; That if there is no surviving spouse, dependent child, dependent parent of the deceased member or any named beneficiary or beneficiaries, then the accumulated contributions shall be paid to the estate of the deceased member.

Any person qualifying as a surviving dependent child under this section, in addition to any other benefits due under this or other sections of this article, is entitled to receive a scholarship to be applied to the career development education of that person. This sum, up to but not exceeding \$7,500 per year, shall be paid from the fund to any ~~university or college in this state or to any trade or vocational school~~ higher education institution in this state, career-technical education provider in this state or other entity in this state approved by the board to offset the expenses of tuition, room and board, books, fees or other costs incurred in a course of study at any of these institutions as long as the recipient makes application to the board on an approved form and under rules provided by the board and maintains scholastic eligibility as defined by the institution or the board. The board may by appropriate rules define

age requirements, physical and mental requirements, scholastic eligibility, disbursement methods, institutional qualifications and other requirements as necessary and not inconsistent with this section.

A surviving spouse or dependent of an employee meeting the requirements of this section is entitled to receive beneficiary payments on the first day of the month following the date the deceased member is removed from payroll by the agency. A surviving spouse or dependent of a member who is not currently an employee meeting the requirements of this section is entitled to receive beneficiary payments on the first day of the month following the date of the deceased member's death. A surviving spouse or dependent of a retirant meeting the requirements of this section is entitled to receive beneficiary payments on the first day of the month following the date of the deceased retirant's death. Upon receipt of properly executed forms from the agency and surviving spouse or dependent, the board shall process the surviving spouse or dependent benefit as soon as administratively feasible.

It is the intent of the Legislature that the levels of benefits provided by operation of this section from the effective date of the enactment of this section during the regular session of the Legislature, 2005, be the same levels of benefits as provided by this section as amended and reenacted during the fourth extraordinary session of the Legislature, 2005. Accordingly, the effective date of the operation of this section as amended and reenacted during the fourth extraordinary session of the Legislature, 2005, is expressly made retrospective to April 9, 2005.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 394—A Bill to amend and reenact §5-10-27 of the Code of West Virginia, 1931, as amended; to amend and

reenact §7-14D-20 of said code; to amend and reenact §8-22A-22 of said code; to amend and reenact §15-2-33 of said code; and to amend and reenact §15-2A-12 of said code, all relating to providing scholarships for dependent children of law-enforcement officers who die in performance of duty; modifying scholarship benefits for certain dependents; and establishing scholarship benefits for certain dependents.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 394, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 394) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 394) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill No. 403, Relating to judicial retirement system contribution rates.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

Eng. Senate Bill No. 403—A Bill to amend and reenact §51-9-4 of the Code of West Virginia, 1931, as amended, relating to the judicial retirement system; reducing the contribution rate of judges; authorizing the Consolidated Public Retirement Board to annually establish future participant contribution rates based on the State Actuary's report; requiring certain reporting to the Legislature's Joint Committee on Government and Finance and the Joint Committee on Pensions and Retirement; and limiting the participant contribution rate to no more than ten and one-half percent and no less than seven percent of a participant's salary.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Senate Bill No. 403, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 403) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 403) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 414, Clarifying hunting and fishing license-issuing authorities.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-32. Issuance of licenses; duplicate licenses.

(a) ~~The clerk of the county commission in each county requesting designation, and other persons, designated by the director ~~shall be pursuant to section thirty-three of this article~~, are license-issuing authorities ~~Each license-issuing authority shall issue~~ authorized to issue a license to ~~a license~~ an applicant if ~~in the opinion of the authority~~, the license applicant is legally entitled to obtain the license ~~applied for~~ and pays the proper fee.~~

(b) ~~All materials~~ Materials and supplies necessary for the issuance of licenses shall be furnished by the director to each ~~person authorized to issue licenses~~ license-issuing authority as needed.

(c) Each license shall bear a serial number and shall be signed by the licensee. The issuing license-issuing authority shall keep an accurate record ~~in the form and manner prescribed by the director,~~ of all licenses issued and ~~of all money~~ fees collected as ~~license fees~~ prescribed by the director.

(d) Any license-issuing authority may issue a duplicate license to replace a lost, destroyed or damaged license upon receipt of a verified application ~~duly~~ executed by the original ~~license holder~~ licensee and the payment ~~to the issuing authority~~ of a duplicate license fee of \$1.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 414—A Bill to amend and reenact §20-2-32 of the Code of West Virginia, 1931, as amended, relating to issuing hunting and fishing licenses; and modifying who may be a license-issuing authority.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 414, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 414) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

The Senate again proceeded to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 5:37 p.m. today:

Eng. Com. Sub. for Senate Bill No. 580, Updating requirements for dental intern, resident and teaching permits.

Without objection, the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill No. 423, Providing certain convicted persons reduction in sentence.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

**ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND
CORRECTIONAL FACILITY
AUTHORITY.**

§31-20-5d. Good-time credit.

(a) Any person convicted of a criminal offense and sentenced to confinement in a regional jail is to be granted reduction of his or her sentence for good conduct in accordance with this section.

(b) The reduction of sentence or good time is to be deducted from the fixed term of determinate sentences. An inmate under two or more consecutive sentences is allowed good time as if the several sentences, when the maximum terms thereof are added together, were all one sentence.

(c) Every inmate sentenced to a regional jail for a term of confinement exceeding six months who, in the judgment of the administrator of the regional jail facility, faithfully complies with all rules of the regional jail during his or her term of confinement is entitled to a deduction of five days from each month of his or her sentence. No inmate may be granted any good time under the provisions of this section for time spent on bond or for time served on parole or in any other status in which he or she is not physically incarcerated.

(d) Each inmate sentenced to a term of confinement in a regional jail facility who participates in a general equivalency diploma program is to be granted three days of good time for the completion of each educational literacy level, as demonstrated by achieving a passing score on standardized tests required by the Department of Education, and ten days of good time for completion of the requirements for a general equivalency diploma or high school diploma.

(e) ~~Each~~ An inmate sentenced to a term of confinement in a regional jail ~~in excess for a period~~ of six months ~~or more~~, shall be granted five days of good time for ~~the~~ successful completion ~~for each of any of~~ the following rehabilitation programs: Domestic violence, parenting, substance abuse, life skills, alcohol abuse, ~~and~~ anger management or any special rehabilitation or educational program designated by the executive director. A Good time credit pursuant to this subsection is cumulative, however an inmate is eligible for a maximum of thirty days good time shall be granted credit for the successful completion of all six rehabilitation programs authorized by this subsection. The fee for each class is \$25 which is due upon enrollment. If an inmate is unable to pay a fee or fees in full at the time of enrollment, it may be paid by deductions from his or her inmate trust account, subject to the provisions of subsection (f), section thirty-one of this article. No more than one half of the amount in the inmate trust account during any one-week period may be so deducted.

(f) The administrator of a regional jail facility may, with the approval of the Governor, allow extra good time for inmates who perform exceptional work or service.

(g) The Regional Jail and Correctional Facility Authority shall promulgate disciplinary rules for the regional jail facilities. The rules are to describe prohibited acts, procedures for charging individual inmates for violations of the rules and for determining the guilt or innocence of inmates charged with the violations and sanctions that may be imposed for the violations. For each violation by an inmate, any part or all of the good time that has been granted to the inmate may be forfeited and revoked by the administrator of the regional jail facility. The administrator, when appropriate and with approval of the executive director, may restore any good time forfeited for a violation of the rules promulgated or adopted pursuant to this subsection.

(h) Each inmate sentenced to a term of confinement in a regional jail in excess of six months shall, within seventy-two hours of being received into a regional jail, be given a copy of the disciplinary rules,

a statement setting forth the term or length of his or her sentence or sentences and the time of his or her minimum discharge.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill No. 423, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 423) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 438, Authorizing reorganization of certain community and technical colleges.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page five, section two, line eighteen, by striking out the word “one” and inserting in lieu thereof the word “two”;

On page six, section two, line thirty, after the word “Colleges.” by inserting the following: In the case of the consolidation of Bridgmont Community and Technical College and Kanawha Valley Community and Technical College, “multicampus institution” means the consolidated institution comprised of existing campuses in Montgomery and South Charleston and any other campuses that may be established in the future, in accordance with the Higher Learning Commission standards of accreditation.;

On page seven, section three, line seven, after the word “code” by changing the period to a comma and inserting the words “and to continued fulfillment of institutional accreditation requirements.”;

On page eight, section three, lines thirty-three and thirty-four, by striking out the words “apportion the appointments as equally as possible among the lay citizen members” and inserting in lieu thereof the words “appoint an equal number of lay citizen members from each”;

On page eight, section three, line thirty-five, after the word “institutions.” by inserting the following: One such member serves a one-year term only, after which that membership position is not reappointed.;

On page nine, section three, line thirty-six, by striking out the word “Four” and inserting in lieu thereof the following: “One of the initial appointments is for a term of one year, four”;

On page nine, section three, after line thirty-eight, by inserting a new subdivision, designated subdivision (3), to read as follows:

(3) Until June 30, 2014, all of the constituent members of the boards of governors of the affected institutions representing faculty, classified employees and students serve as members on the board of governors of the reorganized institution. Beginning July 1, 2014, the constituent members of the reorganized institution are appointed according to the provisions of section one, article two-a of this chapter.;

On page nine, section three, lines forty-four through fifty-one, by striking out all of subsection (c);

And by relettering the remaining subsection;

On page thirteen, section six, lines one and two, by striking out the words “(a) When a reorganized institution is created, the” and inserting in lieu thereof the following:

“When a consolidated institution is formed:

(1) The”;

On page fourteen, section six, line five, by striking out “(b)” and inserting in lieu thereof “(2)”;

On page fourteen, section six, line nine, by striking out “(c)” and inserting in lieu thereof “(3)”;

On page fourteen, section six, line fifteen, by striking out “(d)” and inserting in lieu thereof “(4)”;

On page fifteen, section six, line twenty-two, by striking out “(e)” and inserting in lieu thereof “(5)”;

On page nineteen, section nine, after the section caption, by inserting a new subsection, designated subsection (a), to read as follows:

(a) When a consolidated institution is formed, the faculty, classified employees and nonclassified employees of the affected institutions become the faculty, classified employees and nonclassified employees of the consolidated institution, subject to the provisions of this article.;

And by relettering the remaining subsections;

On page twenty-one, after line thirty-eight, by adding a new section, designated section ten, to read as follows:

§18B-3F-10. Transfer of students.

When a consolidated institution is formed, the students of the affected institutions become the students of the consolidated institution, subject to the provisions of section eight, article one of this chapter.;

By striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §18B-3F-1, §18B-3F-2, §18B-3F-3, §18B-3F-4, §18B-3F-5, §18B-3F-6, §18B-3F-7, §18B-3F-8, §18B-3F-9 and §18B-3F-10, all to read as follows.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 438—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-3F-1, §18B-3F-2, §18B-3F-3, §18B-3F-4, §18B-3F-5, §18B-3F-6, §18B-3F-7, §18B-3F-8, §18B-3F-9 and §18B-3F-10, all relating to reorganization and consolidation of Bridgemont Community and Technical College

and Kanawha Valley Community and Technical College; creating an independent, multicampus community and technical college on June 30, 2013; abolishing certain boards of governors and providing for appointment of a new board of governors; setting forth legislative findings; providing definitions; requiring development of a strategic reorganization plan; establishing an administrative planning committee; providing for committee membership, powers, duties and termination date; appointing president and other officers; specifying certain duties; providing for transfer of assets and liabilities, operating budgets, orders, rules and procedures; providing for the transfer of faculty, classified employees and nonclassified employees; providing for employee rights and benefits when positions are abolished; requiring notification of employment status by certain date under certain circumstances; and providing for the transfer of students.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 438, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 438) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 438) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 444, Relating to higher education generally.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §12-1-12d of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §18B-2A-1 and §18B-2A-3 of said code be amended and reenacted; and that §18B-7-11 of said code be amended and reenacted, all to read as follows:

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 1. STATE DEPOSITORIES.

§12-1-12d. Investments by Marshall University and West Virginia University.

(a) Notwithstanding any provision of this article to the contrary, the governing boards of Marshall University and West Virginia University each may invest certain funds with its respective nonprofit foundation that has been established to receive contributions exclusively for that university and which exists on January 1, 2005. ~~Any such~~ The investment is subject to the limitations of this section.

(b) A governing board, through its chief financial officer, may enter into agreements, approved as to form by the State Treasurer, for the investment by its foundation of certain funds subject to their administration. Any interest or earnings on the moneys invested is retained by the investing university.

(c) Moneys of a university that may be invested with its foundation pursuant to this section are those subject to the administrative control of the university that are collected under an act of the Legislature for specific purposes and do not include any funds made available to the university from the State General Revenue Fund or the funds established in sections eighteen or eighteen-a, article twenty-two, chapter twenty-nine of this code. Moneys permitted to be invested under this section may be aggregated in an investment fund for investment purposes.

(d) Of the moneys authorized for investment by this section, Marshall University and West Virginia University each, respectively,

may have invested with its foundation at any time not more than the greater of:

(1) Eighteen million dollars for Marshall University and \$25 million for West Virginia University; or

(2) Sixty-five percent of its unrestricted net assets as presented in the statement of net assets for the fiscal year end audited financial reports.

(3) Notwithstanding subdivisions (1) and (2) of this subsection, with the approval of the Higher Education Policy Commission, Marshall University may increase the amount invested to ~~\$30~~ \$60 million and West Virginia University may increase the amount invested to ~~\$40~~ \$70 million.

(e) Investments by foundations that are authorized under this section shall be made in accordance with and subject to the provisions of the Uniform Prudent Investor Act codified as article six-c, chapter forty-four of this code. As part of its fiduciary responsibilities, each governing board shall establish investment policies in accordance with the Uniform Prudent Investor Act for those moneys invested with its foundation. The governing board shall review, establish and modify, if necessary, the investment objectives as incorporated in its investment policies so as to provide for the financial security of the moneys invested with its foundation. The governing boards shall give consideration to the following:

- (1) Preservation of capital;
- (2) Diversification;
- (3) Risk tolerance;
- (4) Rate of return;
- (5) Stability;

- (6) Turnover;
- (7) Liquidity; and
- (8) Reasonable cost of fees.

(f) A governing board shall report annually by December 31 to the Governor and to the Joint Committee on Government and Finance on the performance of investments managed by its foundation pursuant to this section.

(g) The amendments to this section in the second extraordinary session of the Legislature in 2010 shall apply retroactively so that the authority granted by this section shall be construed as if that authority did not expire on July 1, 2010.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.

§18B-2A-1. Findings; composition of boards; terms and qualifications of members; vacancies; eligibility for reappointment.

(a) *Findings.* –

The Legislature finds that the State of West Virginia is served best when the membership of each governing board includes the following:

- (1) The academic expertise and institutional experience of faculty members and a student of the institution governed by the board;
- (2) The technical or professional expertise and institutional experience of a classified employee of the institution governed by the board;

(3) An awareness and understanding of the issues facing the institution governed by the board; and

(4) The diverse perspectives that arise from a membership that is balanced in terms of gender and varied in terms of race and ethnic heritage.

(b) *Boards of governors established.* –

A board of governors is continued at each of the following institutions: Bluefield State College, Blue Ridge Community and Technical College, Bridgemont Community and Technical College, Concord University, Eastern West Virginia Community and Technical College, Fairmont State University, Glenville State College, Kanawha Valley Community and Technical College, Mountwest Community and Technical College, Marshall University, New River Community and Technical College, Pierpont Community and Technical College, Shepherd University, Southern West Virginia Community and Technical College, West Liberty University, West Virginia Northern Community and Technical College, the West Virginia School of Osteopathic Medicine, West Virginia State University, West Virginia University and West Virginia University at Parkersburg.

(c) *Board membership.* –

(1) An appointment to fill a vacancy on the board or reappointment of a member who is eligible to serve an additional term is made in accordance with the provisions of this section.

(2) The Board of Governors for Marshall University consists of sixteen persons. The Board of Governors for West Virginia University consists of seventeen persons. The boards of governors of the other state institutions of higher education consist of twelve persons.

(3) Each board of governors includes the following members:

(A) A full-time member of the faculty with the rank of instructor or above duly elected by the faculty of the respective institution;

(B) A member of the student body in good academic standing, enrolled for college credit work and duly elected by the student body of the respective institution; and

(C) A member from the institutional classified employees duly elected by the classified employees of the respective institution;

(4) For the Board of Governors at Marshall University, thirteen lay members appointed by the Governor, by and with the advice and consent of the Senate, pursuant to this section;

(5) For the Board of Governors at West Virginia University, twelve lay members appointed by the Governor, by and with the advice and consent of the Senate, pursuant to this section, and additionally:

(A) The Chairperson of the Board of Visitors of West Virginia University Institute of Technology;

(B) A full-time faculty member representing the extension service at the institution or a full-time faculty member representing the health sciences, selected by the faculty senate.

(6) For each board of governors of the other state institutions of higher education, nine lay members appointed by the Governor, by and with the advice and consent of the Senate, pursuant to this section.

(A) Of the nine members appointed by the Governor, no more than five may be of the same political party. Of the thirteen members appointed by the Governor to the governing board of Marshall University, no more than eight may be of the same political party. Of the twelve members appointed by the Governor to the governing board of West Virginia University, no more than seven may be of the same political party.

(B) Of the nine members appointed by the Governor, at least five shall be residents of the state. Of the thirteen members appointed by the Governor to the governing board of Marshall University, at least eight shall be residents of the state. Of the twelve members appointed by the Governor to the governing board of West Virginia University, at least seven shall be residents of the state.

(7) In making lay appointments, the Governor shall consider the institutional mission and membership characteristics including the following:

(A) The need for individual skills, knowledge and experience relevant to governing the institution;

(B) The need for awareness and understanding of institutional problems and priorities, including those related to research, teaching and outreach;

(C) The value of gender, racial and ethnic diversity; and

(D) The value of achieving balance in gender and diversity in the racial and ethnic characteristics of the lay membership of each board.

(d) *Board member terms.* –

(1) The student member serves for a term of one year. Each term begins on July 1.

(2) The faculty member serves for a term of two years. Each term begins on July 1. Faculty members are eligible to succeed themselves for three additional terms, not to exceed a total of eight consecutive years.

(3) The member representing classified employees serves for a term of two years. Each term begins on July 1. Members representing classified employees are eligible to succeed themselves for three additional terms, not to exceed a total of eight consecutive years.

(4) The appointed lay citizen members serve terms of ~~up to~~ four years each and are eligible to succeed themselves for no more than one additional term, except that citizen members who are appointed to fill unexpired terms are eligible to succeed themselves for two full terms after completing an unexpired term.

(5) A vacancy in an unexpired term of a member shall be filled for the unexpired term within thirty days of the occurrence of the vacancy in the same manner as the original appointment or election. Except in the case of a vacancy, all elections are held and all appointments are made no later than June 30 preceding the commencement of the term. Each board of governors shall elect one of its appointed lay members to be chairperson in June of each year. A member may not serve as chairperson for more than four consecutive years.

(6) The appointed members of the boards of governors serve staggered terms of up to four years except that four of the initial appointments to the governing boards of community and technical colleges that became independent July 1, 2008, are for terms of two years and five of the initial appointments are for terms of four years.

(e) Board member eligibility, expenses. –

(1) A person is ineligible for appointment to membership on a board of governors of a state institution of higher education under the following conditions:

(A) For a baccalaureate institution or university, a person is ineligible for appointment who is an officer, employee or member of any other board of governors; an employee of any institution of higher education; an officer or member of any political party executive committee; the holder of any other public office or public employment under the government of this state or any of its political subdivisions; an employee of any affiliated research corporation created pursuant to article twelve of this chapter; an

employee of any affiliated foundation organized and operated in support of one or more state institutions of higher education; or a member of the council or commission. This subsection does not prevent the representative from the faculty, classified employees, students or the superintendent of a county board of education from being members of the governing boards.

(B) For a community and technical college, a person is ineligible for appointment who is an officer, employee or member of any other board of governors; a member of a board of visitors of any public institution of higher education; an employee of any institution of higher education; an officer or member of any political party executive committee; the holder of any other public office, other than an elected county office, or public employment, other than employment by the county board of education, under the government of this state or any of its political subdivisions; an employee of any affiliated research corporation created pursuant to article twelve of this chapter; an employee of any affiliated foundation organized and operated in support of one or more state institutions of higher education; or a member of the council or commission. This subsection does not prevent the representative from the faculty, classified employees or students from being members of the governing boards.

(2) Before exercising any authority or performing any duties as a member of a governing board, each member shall qualify as such by taking and subscribing to the oath of office prescribed by section five, article IV of the Constitution of West Virginia and the certificate thereof shall be filed with the Secretary of State.

(3) A member of a governing board appointed by the Governor may not be removed from office by the Governor except for official misconduct, incompetence, neglect of duty or gross immorality and then only in the manner prescribed by law for the removal of the state elective officers by the Governor.

(4) The members of the board of governors serve without compensation, but are reimbursed for all reasonable and necessary

expenses actually incurred in the performance of official duties under this article upon presentation of an itemized sworn statement of expenses.

(5) The president of the institution shall make available resources of the institution for conducting the business of its board of governors. All expenses incurred by the board of governors and the institution under this section are paid from funds allocated to the institution for that purpose.

§18B-2A-3. Supervision of governing boards; promulgation of rules; data collection and dissemination.

(a) The governing boards are subject to the supervision of the commission or the council, as appropriate, except in those instances where specific statutory exceptions are granted by law to the governing boards of Marshall University and West Virginia University.

(b) The governing boards of all state institutions of higher education are subject to the provisions of law that relate to the administration of personnel matters including, specifically, articles seven, eight, nine and nine-a of this chapter and to rules promulgated and adopted in accordance with these provisions.

(c) The Chancellor for Higher Education and the Chancellor for Community and Technical College Education, under the supervision of their respective boards, are responsible for the coordination of policies, purposes and rules of the governing boards and shall provide for and facilitate sufficient interaction among the governing boards and between the governing boards and the State Board of Education to meet the goals and objectives provided in the compacts and in section one-a, article one and article one-d of this chapter.

(d) The governing boards and the State Board of Education shall provide all information requested by the commission and the

council, whether the request is made separately or jointly, in an appropriate format and in a timely manner.

(1) Each governing board shall cooperate with the West Virginia Network for Educational Telecomputing (WVNET) in designing appropriate interfaces with the databases of institutions under its jurisdiction and shall grant WVNET direct access to these databases.

(2) WVNET, on behalf of the commission or council or both, shall generate reports from the data accessed for the purposes set forth in section five, article one-a and sections eight and ten, article one-d of this chapter.

(3) All data accessed or received from an institution shall be treated in a manner consistent with the privacy protections outlined in section ten, article one-d of this chapter.

ARTICLE 7. PERSONNEL GENERALLY.

§18B-7-11. Employees designated as nonclassified; limits; exceptions; reports required.

(a) Notwithstanding any provision of this code to the contrary, by July 1, 2015, the percentage of personnel placed in the category of nonclassified at a higher education organization may not exceed twenty percent of the total number of classified and nonclassified employees of that organization as those terms are defined in section two, article nine-a of this chapter and who are eligible for membership in a state retirement system of the State of West Virginia or other retirement plan authorized by the state.

A higher education organization which has more than twenty percent of its employees placed in the nonclassified category as defined by this subsection on July 1, 2011, shall reduce the number of nonclassified employees to no more than twenty-five percent by July 1, 2013, and to no more than twenty percent by July 1, 2015, except as set forth in subsections (b) and (c) of this section.

(b) For the purpose of determining the ratio of nonclassified employees pursuant to this section, the following conditions apply:

~~(1) Employees of the commission and the chancellor for higher education and employees of the council and the chancellor for community and technical college education are considered as one organization;~~

(2) Organizations ~~may~~ shall count as faculty or classified employees, respectively, ~~administrators~~ who retain the right to return to faculty or classified employee positions, and in the employee category they are serving in at the time of reporting as required by subsections (a) and (b), section eight of this article. Such employees will be counted in their original category at such time as they exercise their return rights.

~~(3)~~ (2) Athletic coaches are excluded from calculation of the ratio. The commission and the council shall include consideration of this employee category in each review required by section nine of this article and shall monitor organizations' use of this category and include this information in the reports required by subsections (a) and (b), section eight of this article.

(c) An organization may place up to twenty-five percent of the total number of classified and nonclassified employees of that organization as defined by this section in the nonclassified category under the following conditions:

(1) The governing board of an institution votes to approve any percentage or fraction of a percentage number above twenty percent and seeks and receives the approval of the commission or council, as appropriate, before increasing the total above twenty percent.

(2) In the case of personnel employed by the commission and the council, the chancellors jointly shall agree to increase the percentage number or fraction of a number of nonclassified employees beyond twenty percent and shall recommend this action to their respective boards for approval.

(A) The commission and council each shall approve or disapprove the increase and shall include the vote, as well as details of the position and justification for placing the position in the nonclassified category, in its minute record.

(B) The number of nonclassified personnel may not be increased above twenty percent unless the increase is approved by both the commission and the council.

~~(3)~~ (2) *Powers and duties of commission and council regarding nonclassified staff ratios.* –

(A) It is the duty of the commission and council jointly to establish criteria for the purpose of making decisions on approving or disapproving requests by organizations to exceed the twenty percent limit for personnel placed in the nonclassified category;

(B) The commission and council shall provide technical assistance to organizations under their respective jurisdictions in collecting and interpreting data to ensure that they fulfill the requirements established by this section. Consideration of these issues shall be made part of each review required by section nine of this article and information from the review included in the reports required by subsections (a) and (b), section eight of this article;

(C) The chancellors shall monitor the progress of the organizations in meeting the deadlines established in this section and shall report periodically to the council and commission. The commission and council shall make a preliminary compliance report to the Legislative Oversight Commission on Education Accountability by September 1, 2013, and a final report on organization compliance to that body by September 1, 2015.

(D) Subject to a joint recommendation by the commission and the council and subsequent affirmative action by the Legislature to extend the authority beyond the specified date of termination, the authority of an organization to place more than twenty percent of

its personnel in the nonclassified category pursuant to this section expires on July 1, 2016.

(d) The current annual salary of a nonclassified employee may not be reduced if his or her position is redefined as a classified position solely to meet the requirements of this section. If such a nonclassified employee is reclassified, his or her salary does not constitute evidence of inequitable compensation in comparison to other employees in the same paygrade.

(e) For the purposes of this section only the commission and council are not considered higher education organizations.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 444—A Bill to amend and reenact §12-1-12d of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-2A-1 and §18B-2A-3 of said code; and to amend and reenact §18B-7-11 of said code, all relating to higher education generally; increasing the amounts that Marshall University and West Virginia University may have invested with their respective foundations under certain conditions; authorizing certain members of institutional governing boards are eligible to succeed themselves under certain conditions; collecting, synthesizing and disseminating data from state institutions of higher education; directing institutional boards of governors to cooperate in certain data-related operations; providing certain privacy protections for data; exempting the West Virginia Policy Commission and West Virginia Council for Community and Technical College Education from meeting certain employee ratios; and modifying the method of calculating certain employee ratios.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 444, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 444) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 444) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill No. 460, Exempting certain residents' active duty military pay from state income tax.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 461, Relating to procedures and protections for child witnesses in domestic relations proceedings.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §62-6B-2, §62-6B-3 and §62-6B-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 6B: PROTECTION AND PRESERVATION OF
STATEMENTS AND TESTIMONY OF
CHILD WITNESS.**

§62-6B-2. Definitions.

For the purposes of this article, the words or terms defined in this section, and any variation of those words or terms required by the context, have the meanings ascribed to them in this section.

These definitions are applicable unless a different meaning clearly appears from the context.

(1) “Child witness” means a person ~~thirteen years of age or less~~ under the age of sixteen years of age who is or will be called to testify in a criminal matter concerning an alleged violation of the provisions of sections three, four, five and seven, article eight-b, chapter sixty-one of this code in which the child is the alleged victim.

(2) “Live, ~~two-way~~ closed-circuit television” means a simultaneous transmission, by closed-circuit television or other electronic means, between the courtroom and the testimonial room.

(3) “Operator” means the individual authorized by the court to operate the ~~two-way~~ closed-circuit television equipment used in accordance with the provisions of this article.

(4) “Testimonial room” means a room within the courthouse other than the courtroom from which the testimony of a child witness or the defendant is transmitted to the courtroom by means of live, ~~two-way~~ closed-circuit television.

§62-6B-3. Findings of fact required for taking testimony of child witness by closed-circuit television; considerations for court.

(a) Upon a written motion filed by the prosecuting attorney, the child’s attorney or the child’s guardian ad litem, and upon findings of fact determined pursuant to subsection (b) of this section, a circuit court may order that the testimony of a child witness may be taken at a pretrial proceeding or at trial through the use of live, ~~two-way~~ closed-circuit television.

(b) Prior to ordering that the testimony of a child witness may be taken through the use of live, ~~two-way~~ closed-circuit television, the circuit court must find by clear and convincing evidence, after conducting an evidentiary hearing on this issue, that:

(1) The child is an otherwise competent witness;

(2) That, absent the use of live, ~~two-way~~ closed-circuit television the child witness will be unable to testify due solely to being required to be in the physical presence of the defendant while testifying;

(3) The child witness can only testify if live, two-way closed-circuit television is used in the trial; and

(4) That the state's ability to proceed against the defendant without the child witness' live testimony would be substantially impaired or precluded.

(c) The court shall consider the following factors in determining the necessity of allowing a child witness to testify by the use of live, ~~two-way~~ closed-circuit television:

(1) The age and maturity of the child witness;

(2) The facts and circumstances of the alleged offense;

(3) The necessity of the child's live testimony to the prosecution's ability to proceed as well as any prejudice to the defendant by allowing testimony through closed-circuit television;

(4) Whether or not the facts of the case involve the alleged infliction of bodily injury to the child witness or the threat of bodily injury to the child or another; and

(5) Any mental or physical handicap of the child witness.

(d) In determining whether to allow a child witness to testify through live, ~~two-way~~ closed-circuit television the court shall appoint a psychiatrist or a licensed psychologist with at least five years clinical experience ~~or a licensed clinical social worker with at least five years of significant clinical experience in the treatment~~

~~and evaluation of children~~ who shall serve as an advisor or friend of the court to provide the court with an expert opinion as to whether, to a reasonable degree of professional certainty, the child witness will suffer severe emotional harm, be unable to testify based solely on being in the physical presence of the defendant while testifying and that the child witness does not evidence signs of being subjected to undue influence or coercion. The opinion of the psychiatrist or licensed psychologist ~~or licensed clinical social worker~~ shall be filed with the circuit court at least thirty days prior to the final hearing on the use of live, ~~two-way~~ closed-circuit television and the defendant shall be allowed to review the opinion and present evidence on the issue by the use of an expert or experts or otherwise.

§62-6B-4. Procedures required for taking testimony of child witness by closed-circuit television; election of defendant; jury instruction; sanction for failure to follow procedures; additional accommodation options; recordings and confidentiality.

(a) If the court determines that the use of live, two-way closed-circuit testimony is necessary and orders its use the defendant may, at any time prior to the child witness being called, elect to absent himself from the courtroom during the child witness' testimony. If the defendant so elects the child shall be required to testify in the courtroom.

(b) (1) If live, ~~two-way~~ closed-circuit television is used in the testimony of the child witness, he or she shall be taken into the testimonial room and be televised live, by ~~two-way~~ closed-circuit equipment to the view of the defendant, counsel, the court and, if applicable, the jury. The projected image of the defendant shall be visible for child witness to view if he or she chooses to do so and the view of the child witness available to those persons in the courtroom shall include a full body view. Only the prosecuting attorney, the attorney for the defendant and the operator of the equipment may be present in the room with the child witness during testimony.

Only the court, the prosecuting attorney and the attorney for the defendant may question the child. In pro se proceedings, the court may modify the provisions of this subdivision relating to the role of the attorney for the defendant to allow the pro se defendant to question the child witness in such a manner as to cause as little psychological trauma as possible under the circumstances. The court shall permit the defendant to observe and hear the testimony of the child witness contemporaneous with the taking of the testimony. The court shall provide electronic means for the defendant and the attorney for the defendant to confer confidentially during the taking of the testimony.

(2) If the defendant elects to not be physically present in the courtroom during the testimony of the child witness, the defendant shall be taken into the testimonial room and be televised live, by two-way closed-circuit equipment to the view of the finder of fact and others present in the courtroom. The defendant shall be taken to the testimonial room prior to the appearance of the child witness in the courtroom. There shall be made and maintained a recording of the images and sounds of all proceedings which were televised pursuant to this article. While the defendant is in the testimonial room, the defendant shall be permitted to view the live, televised image of the child witness and the image of those other persons in the courtroom whom the court determines the defendant is entitled to view. Only the court, the prosecuting attorney and the attorney for the defendant may question the child. In pro se proceedings, the court may modify the provisions of this subdivision relating to the role of the attorney for the defendant to allow the pro se defendant to question the child witness in such a manner as to cause as little emotional distress as possible under the circumstances. The transmission from the courtroom to the testimonial room shall be sufficient to permit the defendant to observe and hear the testimony of the child witness contemporaneous with the taking of the testimony. No proceedings other than the taking of the testimony of the child witness shall occur while the defendant is outside the courtroom. In the event that the defendant elects that the attorney for the defendant remain in the courtroom while the defendant is

in the testimonial room, the court shall provide electronic means for the defendant and the attorney for the defendant to confer confidentially during the taking of the testimony.

(c) In every case where the provisions of the article are used, the jury, at a minimum, shall be instructed, unless such instruction is waived by the defendant, that the use of live, ~~two-way~~ closed-circuit television is being used solely for the child's convenience, that the use of the medium cannot as a matter of law and fact be considered as anything other than being for the convenience of the child witness and that to infer anything else would constitute a violation of the oath taken by the jurors.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 461—A Bill to amend and reenact §62-6B-2, §62-6B-3 and §62-6B-4 of the Code of West Virginia, 1931, as amended, all relating to child witnesses; allowing for the consideration of testimony by video; increasing the age for which the court may consider allowing for the testimony of a child witness by closed-circuit television for children under the age of sixteen; qualifications of experts which may be appointed to assist the court when reviewing associated motions; and adding to the factors to be considered by the court with regard to associated motions.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 461, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell,

Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 461) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill No. 489, Permitting community enhancement districts to decrease annual property assessments.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §16-13E-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 13E. COMMUNITY ENHANCEMENT ACT.**§16-13E-8. Notice to property owners of assessments; correcting and laying assessments; report on project completion; credits.**

(a) Prior to the issuance of assessment bonds or pledging any amounts to payment of tax increment financing obligation debt service, the board shall cause a report to be prepared describing each lot or parcel of land located within the community enhancement district and setting forth the total cost of the project based on the contract with the governmental agency, the accepted bid or bids, or a cost estimate certified by a professional engineer, and all other costs incurred prior to the commencement of construction and the future administrative costs, and the respective amounts chargeable upon each lot or parcel of land and the proper amount to be assessed against the respective lots or parcels of land with a description of the lots and parcels of land as to ownership and location. If two or more different kinds of projects are involved, the report shall set forth the portion of the assessment attributable to each respective project. The board shall thereupon give notice to the owners of real property to be assessed that on or after a date specified in the notice an assessment will be deemed granted against the property. The notice shall state that the owner of assessed property, or other interested party, may on said date appear before the board to move the revision or correction of the proposed assessment and shall show the total cost of the project, whether the assessments will pay for all or part of the total cost of the project and the lots or parcels of property to be assessed and the respective amounts to be assessed against such lots or parcels, with a description of the respective lots and parcels of land as to ownership and location. The notice shall also be published as a Class II-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication is the assessment district. On or after the date so advertised, the board may revise, amend, correct and verify the report and proceed by resolution to establish the assessments as corrected and verified and shall certify the same to the governing body which created the district.

(b) During the pendency of the project, the board may decrease the amount of the assessments certified to the county sheriff for collection following the June 7 certification of those assessments by the community enhancement district to the sheriff as provided by subdivision (6), subsection (b), section six of this article, upon a finding or determination by the community enhancement board that the decrease is necessary or appropriate as the total cost of the project is less than projected or that the need for the assessment amount has decreased under the circumstances, and so certify to the sheriff of the county where the property is located. The modified assessment shall be granted against all property in the district for inclusion in the tax ticket or the preparation of modified tax tickets by that sheriff for the affected parcels.

~~(b)~~ (c) Upon completion of a project, the board shall prepare a final report certifying the completion of the project and showing the total cost of the project and whether the cost is greater or less than the cost originally estimated. If the total cost of the project is less or greater than the cost shown in the report prepared prior to construction, the board may revise the assessment charged on each lot or parcel of land pursuant to subsection (a) of this section to reflect the total cost of the project as completed, and in so doing shall, in the case of an assessment increase only, follow the same procedure with regard to notice and providing each owner of assessed property the right to appear before the board to move for the revision or correction of such proposed reassessment as required for the original assessment. If an assessment is decreased, the board shall, by resolution and written notice to the sheriff of the county in which the community enhancement district is located, cause the next installment or installments of assessments then due and payable by each affected property owner to be reduced pro rata, and shall provide written notice to such property owners of the amount of such decrease by the deposit of such notice in the United States mail, postage prepaid.

~~(c)~~ (d) The value of the projects financed with the assessments shall be treated as a credit toward any impact fees related to the

service or services provided levied under article twenty, chapter seven of this code.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 489—A Bill to amend and reenact §16-13E-8 of the Code of West Virginia, 1931, as amended, relating to permitting community enhancement districts to decrease the amounts of annual property assessments; providing a process that a community enhancement board is to use to certify the decrease to the county sheriff; requiring that any decrease be included in the tax ticket or a modified tax ticket; and providing that the assessment reduction applies to all property in the district.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 489, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 489) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 489) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect July 1, 2013, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 498, Relating to hearing location for Alcohol Beverage Control Administration's appeal hearings.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

CHAPTER 11. TAXATION.**ARTICLE 16. NONINTOXICATING BEER.****§11-16-24. Hearing on sanctioning of license; notice; review of action of commissioner; clerk of court to furnish commissioner copy of order or judgment of conviction of licensee; assessment of costs; procedure for appealing any final order of the commissioner which revokes, suspends, sanctions or denies the issuance or renewal of any license issued under this article.**

(a) The commissioner ~~shall~~ may not revoke ~~nor~~ or suspend ~~any~~ a license issued pursuant to this article or impose ~~any civil penalties~~ a civil penalty authorized ~~thereby~~ under this article unless and until a hearing ~~shall be~~ is held after at least ten days' notice to the licensee of the time and place of ~~such~~ the hearing, which notice shall contain a statement or specification of the charges, grounds or reasons for ~~such~~ the proposed contemplated action, and which ~~shall be~~ is served upon the licensee as notices under the West Virginia Rules of Civil Procedure or by certified mail, return receipt requested, to the address for which license was issued; at which time and place, so designated in the notice, the licensee ~~shall have~~ has the right to appear and produce evidence in his or her behalf, and to be represented by counsel.

(b) The commissioner ~~shall have authority to~~ may summon witnesses in the hearings before him or her, and fees of witnesses summoned on behalf of the state in proceedings to sanction licenses shall be treated as a part of the expenses of administration and enforcement. ~~Such~~ The fees shall be the same as those in similar hearings in the circuit courts of this state. The commissioner may, upon a finding of violation, assess a licensee a sum not to exceed \$150 per violation to reimburse the commissioner for expenditures for witness fees, court reporter fees and travel costs incurred in holding the hearing. ~~Any moneys~~ Moneys so assessed shall be

transferred to the Nonintoxicating Beer Fund created by section twenty-three of this article.

(c) If, at the request of the licensee or on his or her motion, the hearing ~~shall be~~ is continued and ~~shall~~ does not take place on the day fixed by the commissioner in the notice ~~above provided for of hearing,~~ then ~~such~~ the licensee's license may be suspended until the hearing and decision of the commissioner, and in the event of revocation or suspension of ~~such~~ the license, upon hearing before the commissioner, the licensee ~~shall not be~~ is not permitted to sell beer pending an appeal as provided by this article. Any person continuing to sell beer after his or her license has been suspended or revoked, as hereinbefore provided, is guilty of a misdemeanor and, shall be punished as provided in section nineteen of this article.

(d) The Notwithstanding the provisions of subsection (b), section four, article five, chapter twenty-nine-a of this code, the action of the commissioner in revoking, or suspending, sanctioning or refusing a license shall be is subject to review by the circuit court of Kanawha County West Virginia, or the circuit court in the county where the proposed or licensed premises is located and will or does conduct sales: Provided, That in all other respects, such review shall be conducted in the manner provided in chapter twenty-nine-a of this code. when such licensee may be aggrieved by such revocation, or suspension Petition The petition for such review must be filed with said the circuit court within a period of thirty days from and after the date following entry of the final order of revocation, or suspension, sanction or refusal issued by the commissioner. and any An applicant or licensee obtaining an order for such review ~~shall be~~ is required to pay the costs and fees incident to transcribing, certifying and transmitting the records pertaining to such the matter to the circuit court. An application to the Supreme Court of Appeals of West Virginia for a writ of error from any final order of the circuit court in any such the matter shall be made within thirty days from and after the entry of such the final circuit court order.

(e) All ~~such~~ hearings, upon notice to show cause why license should be revoked, ~~or~~ suspended, sanctioned or refused, before the commissioner shall be held in the offices of the commissioner in Charleston, Kanawha County, ~~West Virginia~~, unless otherwise provided by the commissioner in such the notice or agreed upon between the licensee and the commissioner; and of hearing. When ~~such the~~ hearing is held elsewhere than in the commissioner's office, the licensee may be required to make deposits of the estimated costs of ~~such the~~ hearing.

(f) Whenever ~~any a~~ licensee has been convicted of ~~any an~~ offense constituting a violation of the laws of this state or of the United States relating to nonintoxicating beer, or alcoholic liquor, and ~~such the~~ conviction has become final, the clerk of the court in which ~~such the~~ licensee has been convicted shall forward to the commissioner a certified copy of the order or judgment of conviction if ~~such the~~ clerk has knowledge that the person so convicted is a licensee, together with the certification of ~~such the~~ clerk that the conviction is final.

(g) In the case of a Class B licensee with multiple licensed locations, the commissioner may, in his or her discretion, revoke, suspend or otherwise sanction, per the provisions of section twenty-three of this article, only the license for the location or locations involved in the unlawful conduct for which licensure is sanctioned, as opposed to all separately licensed locations of ~~such the~~ licensee.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 3A. SALES BY RETAIL LIQUOR LICENSEES.

§60-3A-28. Notice of and hearing on revocation; right of appeal; appeal procedures.

(a) Before a retail license issued under the authority of this article ~~may be~~ is suspended for a period of more than twenty days,

or revoked, the commissioner shall give at least ten days' notice to the retail licensee. Notice shall be in writing, shall state the reason for suspension or revocation and shall designate a time and place for a hearing where the retail licensee may show cause why the retail license should not be suspended or revoked. Notice shall be sent by certified mail to the address for which the retail license was issued. The retail licensee may, at the time designated for the hearing, produce evidence in his or her behalf and be represented by counsel.

(b) ~~Such~~ The hearing and the administrative procedures prior to, during and following the same shall be hearing are governed by and shall be conducted in accordance with the provisions of article five, chapter twenty-nine-a of this code in like manner as if the provisions of article five were fully set forth in this section.

(c) ~~Any~~ Notwithstanding the provisions of subsection (b), section four, article five, chapter twenty-nine-a of this code, any person adversely affected by an a final order entered following such the hearing shall have has the right of judicial review ~~thereof in accordance with the provisions of section four, article five, chapter twenty-nine-a of this code with like effect as if the provisions of said section four were fully set forth in this section~~ by the circuit court of Kanawha County or the circuit court in the county where the proposed or licensed premises is located and will or does conduct sales: Provided, That in all other respects, such review shall be conducted in the manner provided in chapter twenty-nine-a of this code. The petition for the review must be filed with the circuit court within thirty days following entry of the final order issued by the commissioner. An applicant or licensee obtaining the review is required to pay the costs and fees incident to transcribing, certifying and transmitting the records pertaining to the matter to circuit court.

(d) The judgment of a the circuit court reviewing ~~such the~~ order of the commissioner ~~shall be is~~ final unless reversed, vacated or modified on appeal to the Supreme Court of Appeals in accordance

with the provisions of section one, article six, chapter twenty-nine-a of this code.

(e) Legal counsel and services for the commissioner in all ~~such~~ the proceedings in any circuit court and the Supreme Court of Appeals shall be provided by the Attorney General or his or her assistants and in any proceedings in any circuit court by the prosecuting attorney of that county as well, all without additional compensation.

(f) Upon final revocation, the commissioner shall proceed to reissue the retail license by following the procedures set forth herein for the initial issuance of a retail license.

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-13a. Hearing on sanctioning of license; notice; review of action of commissioner; clerk of court to furnish commissioner copy of order or judgment of conviction of licensee; assessment of costs; procedure for appealing any final order of the commissioner which revokes, suspends, sanctions or denies the issuance or renewal of any license issued under this article.

(a) The commissioner ~~shall~~ may not revoke or suspend ~~any~~ a license issued pursuant to this article or impose ~~any~~ civil penalties authorized ~~thereby~~ under this article unless and until a hearing ~~shall be~~ is held after at least ten days' notice to the licensee of the time and place of ~~such~~ the hearing, which notice shall contain a statement or specification of the charges, grounds or reasons for ~~such~~ the proposed contemplated action, and which ~~shall be~~ is served upon the licensee as notices under the West Virginia Rules of Civil Procedure or by certified mail, return receipt requested, to the address for which license was issued. At ~~which~~ the time and place, ~~so~~ designated in the notice, the licensee ~~shall have~~ has the right to appear and produce evidence in his or her behalf, and to

be represented by counsel: *Provided*, That the commissioner may forthwith suspend ~~any such~~ the license when the commissioner believes the public safety will be adversely affected by the licensee's continued operation.

(b) The commissioner ~~shall have authority to~~ may summon witnesses in the hearing before him or her, and fees of witnesses summoned on behalf of the state in proceedings to sanction licenses shall be treated as a part of the expenses of administration and enforcement. ~~Such~~ The fees shall be the same as those in similar hearings in the circuit courts of this state. The commissioner may, upon a finding of violation, assess a licensee a sum, not to exceed \$150 per violation, to reimburse the commissioner for expenditures of witness fees, court reporter fees and travel costs incurred in holding the hearing. ~~Any moneys~~ Moneys so assessed shall be transferred to the Alcohol Beverage Control Enforcement Fund created by section thirteen of this article.

(c) If, at the request of the licensee or on his or her motion, the hearing ~~shall be~~ is continued and ~~shall~~ does not take place on the day fixed by the commissioner in the notice ~~above provided for of~~ hearing, then ~~such~~ the licensee's license may be suspended until the hearing and decision of the commissioner, and in the event of revocation or suspension of ~~such~~ the license, upon hearing before the commissioner, the licensee ~~shall not be~~ is not permitted to sell alcoholic liquor or nonintoxicating beer pending an appeal as provided by this article. Any person continuing to sell alcoholic liquor or nonintoxicating beer after his or her license has been suspended or revoked, as ~~hereinbefore~~ provided in this section, is guilty of a misdemeanor and, shall be punished as provided in section twelve of this article.

(d) ~~The~~ Notwithstanding the provisions of subsection (b), section four, article five, chapter twenty-nine-a of this code, the action of the commissioner in revoking, ~~or~~ suspending, sanctioning or refusing a license ~~shall be~~ is subject to review by the circuit court of Kanawha County ~~West Virginia, or the circuit court in the county where the~~

proposed or licensed premises is located and will or does conduct sales: Provided, That in all other respects, such review shall be conducted in the manner provided in chapter twenty-nine-a of this code. ~~when such licensee may be aggrieved by such revocation, or suspension~~ The petition for such review must be filed with said the circuit court within a period of thirty days from and after the date following entry of the final order of revocation, or suspension, sanction or refusal issued by the commissioner. and any A licensee obtaining an order for such the review shall be is required to pay the costs and fees incident to transcribing, certifying and transmitting the records pertaining to such the matter to the circuit court. An application to the Supreme Court of Appeals of West Virginia for a writ of error from any final order of the circuit court in any such the matter shall be made within thirty days from and after the entry of such the final circuit court order.

(e) All such hearings, upon notice to show cause why license should be revoked, or suspended, sanctioned or refused, before the commissioner shall be held in the offices of the commissioner in Charleston, Kanawha County, ~~West Virginia~~, unless otherwise provided by the commissioner in such the notice or agreed upon between the licensee and the commissioner and of hearing. When such the hearing is held elsewhere than in the commissioner's office, the licensee may be required to make deposits of the estimated costs of such the hearing.

(f) Whenever any licensee has been convicted of any an offense constituting a violation of the laws of this state or of the United States relating to alcoholic liquor, or nonintoxicating beer, and such the conviction has become final, the clerk of the court in which such the licensee has been convicted shall forward to the commissioner a certified copy of the order or judgment of conviction if such the clerk has knowledge that the person so convicted is a licensee, together with the certification of such the clerk that the conviction is final. The commissioner shall report violations of any of the provisions of section twelve or twelve-a of this article to the prosecuting attorney of the county in which the licensed premises is located.

ARTICLE 8. SALE OF WINES.**§60-8-18. Revocation, suspension and other sanctions which may be imposed by the commissioner upon the licensee; procedure for appealing any final order of the commissioner which revokes, suspends, sanctions or denies the issuance or renewal of any license issued under this article.**

(a) The commissioner may on his or her own motion, or shall on the sworn complaint of any person, conduct an investigation to determine if any provisions of this article or any rule promulgated or any order issued by the commissioner has been violated by any licensee. After investigation, the commissioner may impose penalties and sanctions as set forth below.

(1) If the commissioner finds that the licensee has violated any provision of this article or any rule promulgated or order issued by the commissioner, or if the commissioner finds the existence of any ground on which a license could have been refused, if the licensee were then applying for a license, the commissioner may:

(A) Revoke the licensee's license;

(B) Suspend the licensee's license for a period determined by the commissioner not to exceed twelve months; or

(C) Place the licensee on probation for a period not to exceed twelve months; and

(D) Impose a monetary penalty not to exceed \$1,000 for each violation where revocation is not imposed.

(2) If the commissioner finds that a licensee has willfully violated any provision of this article or any rule promulgated or any order issued by the commissioner, the commissioner shall revoke the licensee's license.

(b) If a supplier or distributor fails or refuses to keep in effect the bond required by section twenty-nine of this article, the commissioner shall automatically suspend the supplier or distributor's license until the bond required by section twenty of this article is furnished to the commissioner, at which time the commissioner shall vacate the suspension.

(c) Whenever the commissioner refuses to issue a license, or suspends or revokes a license, places a licensee on probation or imposes a monetary penalty, he or she shall enter an order to that effect and cause a copy of the order to be served in person or by certified mail, return receipt requested, on the licensee or applicant.

(d) ~~Any~~ An applicant or licensee, as the case may be, adversely affected by the order has a right to a hearing before the commissioner if a written demand for hearing is served upon the commissioner within ten days following the receipt of the commissioner's order by the applicant or licensee. Timely service of a demand for a hearing upon the commissioner operates to suspend the execution of the order with respect to which a hearing has been demanded, except an order suspending a license under the provisions of subsection (b) of this section. The person demanding a hearing shall give security for the cost of the hearing in a form and amount as the commissioner may reasonably require. If the person demanding the hearing does not substantially prevail in ~~such~~ the hearing or upon judicial review thereof as provided in subsections (g) and (h) of this section, then the costs of the hearing shall be assessed against him or her by the commissioner and may be collected by an action at law or other proper remedy.

(e) Upon receipt of a timely served written demand for a hearing, the commissioner shall immediately set a date for the hearing and notify the person demanding the hearing of the date, time and place of the hearing, which shall be held within thirty days after receipt of the demand. At the hearing the commissioner shall hear evidence and thereafter enter an order supporting by findings of facts, affirming, modifying or vacating the order. Any such order is final unless vacated or modified upon judicial review thereof.

(f) The hearing and the administrative procedure prior to, during and following the hearing shall be governed by and in accordance with the provisions of article five, chapter twenty-nine-a of this code.

(g) Any Notwithstanding the provisions of subsection (b), section four, article five, chapter twenty-nine-a of this code, an applicant or licensee adversely affected by an a final order entered following a hearing has the right of judicial review of the order in accordance with the provisions of section four, article five, chapter twenty-nine-a of this code in the circuit court of Kanawha County West Virginia or the circuit court in the county where the proposed or licensed premises is located and will or does conduct sales: Provided, That in all other respects, such review shall be conducted in the manner provided in chapter twenty-nine-a of this code. The petition for the review must be filed with the circuit court within thirty days following entry of the final order issued by the commissioner. An applicant or licensee obtaining judicial review is required to pay the costs and fees incident to transcribing, certifying and transmitting the records pertaining to the matter to circuit court.

(h) The judgment of the ~~Kanawha County~~ circuit court reviewing the order of the commissioner is final unless reversed, vacated or modified on appeal to the Supreme Court of Appeals in accordance with the provisions of section one, article six, chapter twenty-nine-a of this code.

(i) Legal counsel and services for the commissioner in all proceedings in any circuit court and the Supreme Court of Appeals shall be provided by the Attorney General or his or her assistants and in any proceedings in any circuit court by the prosecuting attorney of that county as well, all without additional compensation.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 498—A Bill to amend and reenact §11-16-24 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3A-28 of said code; to amend and reenact §60-7-13a of said code; and to amend and reenact §60-818 of said code, all relating to hearing and appeal procedures for certain licenses issued by the Alcohol Beverage Control Administration; requiring that appeals from commissioner's decision to refuse to issue or renew certain licenses be brought in the circuit court of Kanawha Country or the circuit court in the county where the licensed premises is proposed to be located or conduct sales; requiring that appeals from the commissioner's decision regarding disciplinary action against a licensee are to be brought in the circuit court of Kanawha County or the circuit court in the county where the proposed or licensed premises is located or does conduct sales; and providing that the licensee appealing the commissioner's decision is required to pay the costs and fees incident to transcribing, certifying and transmitting records pertaining to the appeal.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 498, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 498) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 498) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

Eng. Com. Sub. for House Bill No. 2046, Requiring wireless telecommunications companies to release location information of a missing person's cell phone in a timely manner; the "Kelsey Smith Act".

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2399, Protecting livestock in dire or extreme condition.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill No. 2490, Providing for the appointment of veterans advocates at state institutions of higher education.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2491, Establishing a uniform course completion policy for veteran students called up for active duty.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

Eng. Com. Sub. for House Bill No. 2512, Reforming the state Medicaid subrogation statute.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2514, Lowering the total amount of tax credits available under the Film Industry Investment Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect from passage, of

Eng. Com. Sub. for House Bill No. 2571, Relating to who may serve as members of the environmental quality board.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect July 1, 2013, of

Eng. Com. Sub. for House Bill No. 2577, Relating to the practice of pharmacist care.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2579, Revising state water quality standard for Selenium.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2590, Creating a public nonprofit corporation and governmental instrumentality to collectively address several environmental and economic development programs.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill No. 2608, Requiring appraisal management companies to be registered.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, of

Eng. Com. Sub. for House Bill No. 2626, Authorizing the Department of Military Affairs and Public Safety to promulgate Legislative Rules.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2762, Creating an exemption from licensure as an adjuster for certain individuals who conduct data entry into an automated claims adjudication system.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill No. 2780, Relating generally to multidisciplinary team meetings for juveniles committed to the custody of the West Virginia Division of Juvenile Services.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2806, Relating to administrative remedies for prisoners generally.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill No. 2825, Relating to certain appointive state officers salaries.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 3135, Relating generally to voting system certification and procedures at the central counting center.

At the request of Senator Plymale, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the sixth order of business.

At the request of Senator Kirkendoll, unanimous consent being granted, Senators Kirkendoll, Kessler (Mr. President), Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost offered the following resolution from the floor:

Senate Resolution No. 69—Recognizing July 16 as “Atomic Veterans Day of Remembrance” in West Virginia.

Whereas, On July 16, 1945, the world’s first atomic bomb, code-named “Trinity”, was detonated in Alamogordo, New Mexico, and from that date until June 12, 1963, there were 1,054 nuclear devices detonated in tests considered vital to our national security, and approximately 750,000 U. S. military and civilian personnel participated in these experimental endeavors; and

Whereas, Many of the nation’s veterans, including residents of West Virginia, were subjected to varying amounts of radiation because of this testing of atomic weapons; and

Whereas, The potential harm to these veterans was unknown at the time of the testing, resulting in the exposure of many veterans to harmful doses of radiation and causing them to suffer debilitating, degenerative diseases that affect the veterans and their descendants; and

Whereas, Veterans who were early test subjects were required to sign an oath of secrecy regarding their involvement in the atomic testing, preventing these veterans from informing the Veterans Health Administration of their medical problems that resulted from radiation until 1996, when these veterans were released from their oaths of secrecy; and

Whereas, In 1979, the National Association of Atomic Veterans was created to locate these veterans, to honor the sacrifices they made and to help these veterans and their families in obtaining medical treatment and assistance; and

Whereas, By engaging in a national research and education effort for atomic war veterans, the National Association of Atomic Veterans is promoting early detection of medical problems and research and documentation of the connection between radiation exposure and resultant cancer and other debilitating, degenerative diseases and genetic mutations; and

Whereas, In the time since these detonations, roughly fifty percent of the men and women who participated in the testing have experienced the harmful effects of exposure to ionizing radiation, yet these veterans who were injured in the line of duty received no medals because they were not in combat; and

Whereas, The number of members in this group is rapidly decreasing because of the age of these veterans, and thus it is important to recognize these individuals who sacrificed so much in serving our country and who are deserving of our immense gratitude; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes July 16 as “Atomic Veterans Day of Remembrance” in West Virginia; and, be it

Further Resolved, That the Senate encourages the Governor, the Department of Veterans' Assistance and all West Virginians to take part in this significant observance; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Haskell Watts, Jr., West Virginia State Commander of the National Association of Atomic Veterans, the Secretary of the West Virginia Department of Veterans' Assistance and the Governor of West Virginia.

At the request of Senator Kirkendoll, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

Senators Cann, Barnes, Facemire, Green, D. Hall, Kirkendoll, McCabe, Tucker, Walters, Wells, Yost and Williams offered the following resolution:

Senate Concurrent Resolution No. 76—Urging Congress to update the Renewable Fuel Standard to allow a broader range of domestic fuel sources, such as natural gas and coal, to be used to make liquid ethanol.

Whereas, The United States needs a balanced and sensible domestic energy policy; and

Whereas, Reducing dependence on foreign oil is not only a matter of national security, but a significant opportunity to enhance economic prosperity and job growth in West Virginia; and

Whereas, Today there are multiple routes to ethanol, including traditional fossil fuels such as natural gas and coal, which are

plentiful in West Virginia and several other states in the country; and

Whereas, West Virginia is committed to being a leader in development of a sustainable national energy policy; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges Congress to update the Renewable Fuel Standard to allow a broader range of domestic fuel sources, such as natural gas and coal, to be used to make liquid ethanol; and, be it

Further Resolved, That the Legislature of West Virginia urges Congress to pass legislation that promotes growth of domestic alternative fuel sources and reduces dependence on foreign oil; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to members of the United States Senate representing West Virginia; to members of the West Virginia Congressional delegation; to the President of the United States Senate; and to the Speaker of the United States House of Representatives.

At the request of Senator Unger, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senators Unger and Williams offered the following resolution:

Senate Concurrent Resolution No. 77—Requesting the Joint Committee on Government and Finance authorize a study of alternative and renewable energy sources, incentives and opportunities including those expressed in the Governor’s five-year energy plan published in 2013.

Whereas, The Legislature has expressed support of the solar industry over the past five years, including Senate Bill 465 that provided an alternative infrastructure and vehicle tax credit in 2011 including electricity from solar; and

Whereas, Alternative and renewable energy portfolio standards need to be improved to include language which establishes a solar renewable energy credit system; and

Whereas, The soft costs associated with solar energy represent an impediment to certain growth of the industry and evaluating appropriate incentives, tax credits and economic stimulus funding sources will promote job growth and energy independence in this state; and

Whereas, Once alternative and renewable energy options are fully investigated and identified the solar industry will be able to thrive and grow in the future and provide for a more diverse energy sector; and

Whereas, A study on how the solar industry can benefit the state including appropriate programs that promote the solar energy sector, providing appropriate incentives in order to encourage a manufacturer to locate a domestic solar facility in this state and providing incentives for institutions of higher education to conduct research and development to help establish West Virginia as a leader in the United States for solar energy projects; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to authorize a study of alternative and renewable energy

sources, incentives and opportunities including those expressed in the Governor's five-year energy plan published in 2013; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

At the request of Senator Unger, unanimous consent being granted, the resolution was taken up for immediate consideration and referred to the Committee on Rules.

Senators Snyder and Williams offered the following resolution:

Senate Concurrent Resolution No. 78—Requesting the Joint Committee on Government and Finance study the merits of authorizing the Public Service Commission to oversee Internet service providers as public utilities; to establish, prescribe and enforce rates and fees for providers of high-speed Internet services; and to regulate the quality, reliability and availability of Internet services throughout the state.

Whereas, Innovation and rapidly developing technologies are leading to increasing use of interactive content and audio and video streaming that require higher network bandwidth than is available through the telephone dial-up Internet access method; and

Whereas, The availability of affordable, reliable, high-quality Internet network access is an important factor in the development of a competitive workforce, a dynamic business environment, educational achievement and the economic health of residential communities; and

Whereas, The use of Internet services has expanded rapidly in the past twenty years and is highly likely to continue to expand to such extent as to make a commodity of access to Internet services; and

Whereas, In many areas of this state there is very little effective competition to encourage and stimulate price competition among Internet service providers; and

Whereas, Rates for Internet service providers vary widely from state to state and consumers in adjoining states have been able to pay lower rates for similar services than consumers in West Virginia in comparable geographic circumstances; and

Whereas, There is currently no state regulation or oversight of Internet service providers in this state; and

Whereas, It is in the public interest to provide a forum for customers of Internet service providers to comment on rate structures and rate proposals, and to submit grievances regarding the provision of Internet network services and dealings with service providers; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the merits of authorizing the Public Service Commission to oversee Internet service providers as public utilities; to establish, prescribe and enforce rates and fees for providers of high-speed Internet services; and to regulate the quality, reliability and availability of Internet services throughout the state; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

At the request of Senator Unger, unanimous consent being granted, the resolution was taken up for immediate consideration and referred to the Committee on Rules.

Petitions

Senator Jenkins presented a petition from Jennifer Butler and numerous Kenova residents, requesting a new Kenova Elementary School building.

Referred to the Committee on Education.

Senator Jenkins presented a petition from Linda West and one hundred fifty Ebenezer Medical Outreach patients, opposing state budget cuts to Health Right Free Clinics.

Referred to the Committee on Health and Human Resources.

On motion of Senator Unger, the Senate recessed until 7:30 p.m. tonight.

Night Session

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Unger, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 7:51 p.m. tonight:

Eng. Com. Sub. for Senate Bill No. 265, Authorizing DHHR promulgate legislative rules.

The Clerk announced the following conference committee report had been filed at 7:52 p.m. tonight:

Eng. Com. Sub. for Senate Bill No. 435, Continuing Municipal Home Rule Pilot Program.

Without objection, the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 172, Relating to nonintoxicating beer distributor licensees.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 16. NONINTOXICATING BEER.

§11-16-3. Definitions.

For the purpose of this article, except where the context clearly requires differently:

(1) “Brewer” or “manufacturer” means any person, firm, association, partnership or corporation manufacturing, brewing, mixing, concocting, blending, bottling or otherwise producing or importing or transshipping from a foreign country nonintoxicating beer or nonintoxicating craft beer for sale at wholesale to any licensed distributor.

(2) “Brewpub” means a place of manufacture of nonintoxicating beer owned by a resident brewer, subject to federal and state regulations and guidelines, a portion of which premises are designated for retail sales of nonintoxicating beer or nonintoxicating craft beer by the resident brewer owning the brewpub.

(3) “Class A retail license” means a retail license permitting the retail sale of liquor at a freestanding liquor retail outlet licensed pursuant to chapter sixty of this code.

(4) “Commissioner” means the West Virginia Alcohol Beverage Control Commissioner.

(5) “Distributor” means and includes any person jobbing or distributing nonintoxicating beer or nonintoxicating craft beer to retailers at wholesale and whose warehouse and chief place of business shall be within this state. For purposes of a distributor only, the term “person” means and includes an individual, firm, trust, partnership, limited partnership, limited liability company, association or corporation. Any trust licensed as a distributor or any trust that is an owner of a distributor licensee, and the trustee or other persons in active control of the activities of the trust relating to the distributor license, is liable for acts of the trust or its beneficiaries relating to the distributor license that are unlawful acts or violations of article eleven of this chapter notwithstanding the liability of trustees in article ten, chapter forty-four-d of this code.

(6) “Freestanding liquor retail outlet” means a retail outlet that sells only liquor, beer, nonintoxicating beer and other alcohol-

related products, as defined pursuant to section four, article three-a, chapter sixty of this code.

(7) “Growler” means a glass ceramic or metal container or jug, capable of being securely sealed, utilized by a brewpub for purposes of off-premise sales of nonintoxicating beer or nonintoxicating craft beer for personal consumption not on a licensed premise and not for resale.

(7) (8) “Nonintoxicating beer” means all natural cereal malt beverages or products of the brewing industry commonly referred to as beer, lager beer, ale and all other mixtures and preparations produced by the brewing industry, including malt coolers and nonintoxicating craft beers with no caffeine infusion or any additives masking or altering the alcohol effect containing at least one half of one percent alcohol by volume, but not more than nine and six-tenths of alcohol by weight, or twelve percent by volume, whichever is greater. ~~all of which are hereby declared to be nonintoxicating and the~~ The word “liquor” as used in chapter sixty of this code shall not be construed to does not include or embrace nonintoxicating beer nor any of the beverages, products, mixtures or preparations included within this definition.

(8) (9) “Nonintoxicating beer sampling event” means an event approved by the commissioner for a Class A retail licensee to hold a nonintoxicating beer sampling authorized pursuant to section eleven-a of this article.

(9) (10) “Nonintoxicating beer sampling day” means any days and hours of the week where Class A retail licensees may sell nonintoxicating beer pursuant to subdivision (1), subsection (a), section eighteen of this article and is approved, in writing, by the commissioner to conduct a nonintoxicating beer sampling event.

(10) (11) “Nonintoxicating craft beer” means any beverage obtained by the natural fermentation of barley, malt, hops or any other similar product or substitute and containing not less than one

half of one percent by volume and not more than twelve percent alcohol by volume or nine and six-tenths percent alcohol by weight with no caffeine infusion or any additives masking or altering the alcohol effect.

(H) (12) “Original container” means the container used by the brewer at the place of manufacturing, bottling or otherwise producing nonintoxicating beer for sale at wholesale.

(12) (13) “Person” means and includes an individual, firm, partnership, limited partnership, limited liability company, association or corporation.

(13) (14) “Resident brewer” means any ~~person, firm, partnership, limited partnership, association or corporation~~ whose principal place of business is in this state brewer or manufacturer of nonintoxicating beer or nonintoxicating craft beer whose principal place of business and manufacture is located in the State of West Virginia and which does not brew or manufacture more than twenty-five thousand barrels of nonintoxicating beer or nonintoxicating craft beer annually, and does not self-distribute more than ten thousand barrels thereof in the State of West Virginia annually.

(14) (15) “Retailer” means any person selling, serving or otherwise dispensing nonintoxicating beer and all products regulated by this article, including, but not limited to, ~~any malt cooler,~~ malt coolers at his or her established and licensed place of business.

(15) (16) “Tax Commissioner” means the Tax Commissioner of the State of West Virginia or the commissioner’s designee.

§11-16-8. Form of application for license; fee and bond; refusal of license.

(a) A license may be issued by the commissioner to any person who submits an application, ~~therefore,~~ accompanied by a license fee and, where required, a bond, ~~stating~~ and states under oath:

(1) The name and residence of the applicant, the duration of such residency, that the applicant has been a resident of the state for a period of two years next preceding the date of the application and that the applicant is twenty-one years of age. If the applicant is a firm, association, partnership, limited partnership, limited liability company or corporation, the application shall include the residence of the members or officers for a period of two years next preceding the date of such application. ~~Provided, That if any~~ If a person, firm, partnership, limited partnership, association or corporation ~~limited liability company, association, corporation or trust~~ applies for a license as a distributor, such person, or in the case of a firm, partnership, limited partnership, or association, the members or officers thereof limited liability company, association or trust, the members, officers, trustees or other persons in active control of the activities of the limited liability company, association or trust relating to the license, shall state under oath that each has been a bona fide resident of the state for four years preceding the date of such application. ~~If the applicant is a trust or has a trust as an owner, the trustees or other persons in active control of the activities of the trust relating to the license shall provide a certification of trust as described in section one thousand thirteen, article ten, chapter forty-four-d of this code. This certification of trust shall include the excerpts described in subsection (e), section one thousand thirteen, article ten, chapter forty-four-d of this code and shall further state, under oath, the names, addresses, Social Security numbers and birth dates of the beneficiaries of the trust and certify that the trustee and beneficiaries are twenty-one years of age or older. If a beneficiary is not twenty-one years of age, the certification of trust must state that such beneficiary's interest in the trust is represented by a trustee, parent or legal guardian who is twenty-one years of age and who will direct all actions on behalf of such beneficiary related to the trust with respect to the distributor until the beneficiary is twenty-one years of age. Any beneficiary who is not twenty-one years of age or older shall have his or her trustee, parent or legal guardian include in the certification of trust and state under oath his or her name, address, Social Security number and birth date.~~

(2) The place of birth of applicant, that he or she is a citizen of the United States and of good moral character and, if a naturalized citizen, when and where naturalized. ~~and, if~~ If the applicant is a corporation organized or authorized to do business under the laws of the state, the application must state when and where incorporated, with the name and address of each officer and that each officer is a citizen of the United States and a person of good moral character. and if a firm, association, partnership or limited partnership, If the applicant is a firm, association, limited liability company, partnership, limited partnership, trust or has a trust as an owner, the application shall provide the place of birth of each member of the firm, association, partnership or limited partnership and that each member limited liability company, partnership or limited partnership and of the trustees, beneficiaries or other persons in active control of the activities of the trust relating to the license and that each member or trustee, beneficiary or other persons in active control of the activities of the trust relating to the license is a citizen of the United States and if a naturalized citizen, when and where naturalized, each of whom must qualify and sign the application. Provided, That the The requirements as to residence shall do not apply to the officers of a corporation which shall apply applying for a retailer's license but the officers, agent or employee who shall manage and be manages and is in charge of the licensed premises shall possess all of the qualifications required of an individual applicant for a retailer's license including the requirement as to residence;

(3) The particular place for which the license is desired and a detailed description thereof;

(4) The name of the owner of the building and, if the owner is not the applicant, that ~~such~~ the applicant is the actual and bona fide lessee of the premises;

(5) That the place or building in which is proposed to do business conforms to all applicable laws of health, fire and zoning regulations ~~applicable thereto~~, and is a safe and proper place or

building ~~and is~~ not within three hundred feet of ~~any a~~ school or church measured from front door to front door, along the street or streets. ~~Provided, That this~~ This requirement ~~shall~~ does not apply to a Class B license or to ~~any a~~ place ~~now~~ occupied by a beer licensee so long as it is continuously so occupied. ~~Provided, however, That~~ The prohibition against locating ~~any such a~~ proposed business in a place or building within three hundred feet of ~~any a~~ school ~~shall~~ does not apply to ~~any a~~ college or university that has notified the commissioner, in writing, that it has no objection to the location of ~~any such a~~ proposed business in a place or building within three hundred feet of ~~such~~ the college or university;

(6) That the applicant is not incarcerated and has not during the five years ~~immediately~~ preceding the date of said application been convicted of a felony;

(7) That the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person ~~shall be~~ is in any manner pecuniarily interested ~~therein~~ during the continuance of the license; and

(8) That the applicant has not during five years ~~next immediately~~ preceding the date of said the application had a nonintoxicating beer license revoked.

(b) In the case of an applicant that is trust or has a trust as an owner, a distributor license may be issued only upon submission by the trustees or other persons in active control of the activities of the trust relating to the distributor license of a true and correct copy of the written trust instrument to the commissioner for his or her review. Notwithstanding any provision of law to the contrary, the copy of the written trust instrument submitted to the commissioner pursuant to this section is confidential and is not a public record and is not available for release pursuant to the West Virginia Freedom of Information Act codified in article one, chapter twenty-nine-b of this code.

(c) The provisions and requirements of subsection (a) of this section are mandatory prerequisites for the issuance, and ~~in the event if~~ any applicant fails to qualify ~~under the same~~; the license shall be refused. In addition to the information furnished in any application, the commissioner may make such additional and independent investigation of each applicant and of the place to be occupied as ~~deemed~~ necessary or advisable and, for this reason, ~~each and~~ all applications, with license fee and bond, must be filed thirty days prior to the beginning of any fiscal year. ~~and if~~ If the application is for an unexpired portion of ~~any a~~ fiscal year, the issuance of license may be withheld for such reasonable time as necessary for investigation.

(~~e~~) (d) The commissioner may refuse a license to any applicant under the provisions of this article if the commissioner ~~shall be~~ is of the opinion:

(1) That the applicant is not a suitable person to be licensed;

(2) That the place to be occupied by the applicant is not a suitable place or is within three hundred feet of any school or church measured from front door to front door along the street or streets. ~~Provided, That this~~ This requirement ~~shall~~ does not apply to a Class B licensee or to ~~any a~~ place now occupied by a beer licensee so long as it is continuously so occupied. ~~Provided, however, That~~ The prohibition against locating any such place ~~to be occupied by an applicant~~ within three hundred feet of ~~any a~~ school shall does not apply to any a college or university that has notified the commissioner, in writing, that it has no objection to the location of any such place within three hundred feet; ~~of such college or university; or~~

(3) That the license should not be issued for reason of conduct declared to be unlawful by this article.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 172—A Bill to amend and reenact §11-16-3 and §11-16-8 of the Code of West Virginia, 1931, as amended, all relating to the Nonintoxicating Beer Act generally; defining terms; expanding the definition of “person” for purposes of holding a nonintoxicating beer distributorship; allowing trusts, limited liability companies and associations to hold a distributor’s license; and requiring certain disclosures by applicants that are trusts, limited liability companies or associations.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 172, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 172) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 270, Authorizing Department of Revenue promulgate legislative rules.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

**ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF
REVENUE TO PROMULGATE
LEGISLATIVE RULES.**

§64-7-1. Insurance Commissioner.

The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section five, article twenty-five-g, chapter thirty-three of this code, modified by the Insurance Commissioner to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 18, 2012, relating to the Insurance Commissioner (provider-sponsored networks, 114 CSR 43A), is authorized with the following amendments:

On page one, subsection 2.1., by striking out “ths” and inserting in lieu thereof the word “this”;

And,

On page two, paragraph 4.3.b.1., after the words “financial statements” by adding the words “that reflect positive net worth”.

§64-7-2. Athletic Commission.

The legislative rule filed in the State Register on August 27, 2012, authorized under the authority of section three-a, article five-a, chapter twenty-nine 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 18, 2012, relating to the Athletic Commission (mixed martial arts, 177 CSR 2), is authorized with the following amendments:

On page four, section five, line one, after the number 2500, by inserting a period and striking out the remainder of the sentence;

On page four, section six, line four, by striking out the dollar amount \$35,000 and inserting in lieu thereof, the dollar amount \$10,000;

On page six, section eight, subsection 8.1, line five, by striking out the dollar amount \$30,000 and inserting in lieu thereof, the dollar amount \$20,000;

And,

On page six, section eight, subsection 8.2, line two, by striking out the dollar amount \$30,000 and inserting in lieu thereof, the dollar amount \$20,000.

§64-7-3. Racing Commission.

(a) The legislative rule filed in the State Register on August 27, 2012, authorized under the authority of section six, article twenty-three, chapter nineteen of this code, modified by the Racing Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December

4, 2012, relating to the Racing Commission (thoroughbred racing, 178 CSR 1), is authorized with the following amendments:

On page thirty-seven, subdivision 24.1.i, by striking out the word “sixteen (16)” and inserting in lieu thereof the word “eighteen (18)”;

And,

On page thirty-seven, subdivision 24.1.1, following the word “age” by inserting the following language: “: Provided, except that an occupational permit may be granted at sixteen (16) years of age for the children or grandchildren of licensed permit holders; licensed permit holders being defined for the purposes of this subdivision as owners, breeders, trainers and veterinarians”.

(b) The legislative rule filed in the State Register on August 27, 2012, authorized under the authority of section six, article twenty-three, chapter nineteen of this code, relating to the Racing Commission (greyhound racing, 178 CSR 2), is authorized.

(c) The legislative rule filed in the State Register on August 27, 2012, authorized under the authority of section six, article twenty-three, chapter nineteen of this code, relating to the Racing Commission (pari-mutuel wagering, 178 CSR 5), is authorized.

§64-7-4. Lottery Commission.

The legislative rule filed in the State Register on August 10, 2012, authorized under the authority of section five, article twenty-two, chapter twenty-nine of this code, modified by the Lottery Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 20, 2012, relating to the Lottery Commission (state lottery rules, 179 CSR 1), is authorized.

§64-7-5. State Tax Department.

The legislative rule filed in the State Register on August 30, 2012, authorized under the authority of section five, article one-c, chapter eleven of this code, modified by the State Tax Department to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 6, 2012, relating to the State Tax Department (valuation of commercial and industrial real and personal property for ad valorem property tax purposes, 110 CSR 1P), is authorized, with the following amendments:

On page one, subsection 1.1, beginning on line ten, by striking out subsection 1.1 in its entirety and inserting in lieu thereof the following:

1.1 Scope. – These regulations clarify and implement State law as it relates to the appraisal at market value of commercial and industrial real and personal property under W. Va. Code §11-10C-10. ~~Because these regulations provide context modifications of relevant parts of 110 C.S.R. 1 and such regulations with context modifications were adopted by the Tax Commissioner through inclusion in the valuation plan required by W. Va. Code §11-1C-10(e), W. Va. Code §11-1C-5(b) eliminated the requirement that this filing be subject to the proceeding requirements of W. Va. Code §29A-3-1 et seq.;~~

And,

On page two, subsection 2.14, line twenty-four, following the words “remaining in”, by striking out the words “the landlord” and inserting in lieu thereof the word “one”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 270, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell,

Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Prezioso—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 270) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Prezioso—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 270) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 564, Increasing minimum construction cost of municipal public works project before competitive bidding is required.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page three, section five, line twenty-five, by striking out the words “purchase of materials,”;

And,

On page three, section five, lines thirty-one through thirty-four, by striking out the following: For the purpose of this section, a “purchase of materials” means any single or annual purchase of goods, and a “contract or agreement” means a single project or purpose, including the integral and component parts of that project.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 564, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 564) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill No. 601, Removing requirement certain juvenile proceedings be sealed.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §49-5-2 and §49-5-18 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 5. JUVENILE PROCEEDINGS.

§49-5-2. Juvenile jurisdiction of circuit courts, magistrate courts and municipal courts; constitutional guarantees; hearings; evidence and transcripts.

(a) The circuit court has original jurisdiction of proceedings brought under this article.

(b) If during a criminal proceeding in any court it is ascertained or appears that the defendant is under the age of nineteen years

and was under the age of eighteen years at the time of the alleged offense, the matter shall be immediately certified to the juvenile jurisdiction of the circuit court. The circuit court shall assume jurisdiction of the case in the same manner as cases which are originally instituted in the circuit court by petition.

(c) Notwithstanding any other provision of this article, magistrate courts have concurrent juvenile jurisdiction with the circuit court for a violation of a traffic law of West Virginia, for a violation of section nine, article six, chapter sixty, section three or section four, article nine-a, chapter sixteen, or section nineteen, article sixteen, chapter eleven of this code, or for any violation of chapter twenty of this code. Juveniles are liable for punishment for violations of these laws in the same manner as adults except that magistrate courts have no jurisdiction to impose a sentence of incarceration for the violation of these laws.

(d) Notwithstanding any other provision of this article, municipal courts have concurrent juvenile jurisdiction with the circuit court for a violation of any municipal ordinance regulating traffic, for any municipal curfew ordinance which is enforceable or for any municipal ordinance regulating or prohibiting public intoxication, drinking or possessing alcoholic liquor or nonintoxicating beer in public places, any other act prohibited by section nine, article six, chapter sixty or section nineteen, article sixteen, chapter eleven of this code or underage possession or use of tobacco or tobacco products, as provided in article nine-a, chapter sixteen of this code. Municipal courts may impose the same punishment for these violations as a circuit court exercising its juvenile jurisdiction could properly impose, except that municipal courts have no jurisdiction to impose a sentence of incarceration for the violation of these laws.

(e) A juvenile may be brought before the circuit court for proceedings under this article only by the following means:

(1) By a juvenile petition requesting that the juvenile be adjudicated as a status offender or a juvenile delinquent; or

(2) By certification or transfer to the juvenile jurisdiction of the circuit court from the criminal jurisdiction of the circuit court, from any foreign court, or from any magistrate court or municipal court in West Virginia.

(f) (1) If a juvenile commits an act which would be a crime if committed by an adult, and the juvenile is adjudicated delinquent for that act, the jurisdiction of the court which adjudged the juvenile delinquent continues until the juvenile becomes twenty-one years of age. The court has the same power over that person that it had before he or she became an adult, and has the further power to sentence that person to a term of incarceration: *Provided*, That any such term of incarceration may not exceed six months. This authority does not preclude the court from exercising criminal jurisdiction over that person if he or she violates the law after becoming an adult or if the proceedings have been transferred to the court's criminal jurisdiction pursuant to section ten of this article.

(2) If a juvenile is adjudicated as a status offender because he or she is habitually absent from school without good cause, the jurisdiction of the court which adjudged the juvenile a status offender continues until either the juvenile becomes twenty-one years of age, completes high school, completes a high school equivalent or other education plan approved by the court or the court otherwise voluntarily relinquishes jurisdiction, whichever occurs first. If the jurisdiction of the court is extended pursuant to this subdivision, the court has the same power over that person that it had before he or she became an adult: *Provided*, That no person so adjudicated who has attained the age of nineteen may be ordered to attend school in a regular, nonalternative setting.

(g) A juvenile is entitled to be admitted to bail or recognizance in the same manner as an adult and shall be afforded the protection guaranteed by Article III of the West Virginia Constitution.

(h) A juvenile has the right to be effectively represented by counsel at all stages of proceedings under the provisions of this

article. If the juvenile or the juvenile's parent or custodian executes an affidavit showing that the juvenile cannot afford an attorney, the court shall appoint an attorney, who shall be paid in accordance with article twenty-one, chapter twenty-nine of this code.

(i) In all proceedings under this article, the juvenile shall be afforded a meaningful opportunity to be heard. This includes the opportunity to testify and to present and cross-examine witnesses. The general public shall be excluded from all proceedings under this article except that persons whose presence is requested by the parties and other persons whom the circuit court determines have a legitimate interest in the proceedings may attend: *Provided*, That in cases in which a juvenile is accused of committing what would be a felony if the juvenile were an adult, an alleged victim or his or her representative may attend any related juvenile proceedings, at the discretion of the presiding judicial officer: *Provided, however*, That in any case in which the alleged victim is a juvenile, he or she may be accompanied by his or her parents or representative, at the discretion of the presiding judicial officer.

(j) At all adjudicatory hearings held under this article, all procedural rights afforded to adults in criminal proceedings shall be afforded the juvenile unless specifically provided otherwise in this chapter.

(k) At all adjudicatory hearings held under this article, the rules of evidence applicable in criminal cases apply, including the rule against written reports based upon hearsay.

(l) Except for *res gestae*, extrajudicial statements made by a juvenile who has not attained fourteen years of age to law-enforcement officials or while in custody are not admissible unless those statements were made in the presence of the juvenile's counsel. Except for *res gestae*, extrajudicial statements made by a juvenile who has not attained sixteen years of age but who is at least fourteen years of age to law-enforcement officers or while in custody, are not admissible unless made in the presence of the

juvenile's counsel or made in the presence of, and with the consent of, the juvenile's parent or custodian, and the parent or custodian has been fully informed regarding the juvenile's right to a prompt detention hearing, the juvenile's right to counsel, including appointed counsel if the juvenile cannot afford counsel, and the juvenile's privilege against self-incrimination.

(m) A transcript or recording shall be made of all transfer, adjudicatory and dispositional hearings held in circuit court. At the conclusion of each of these hearings, the circuit court shall make findings of fact and conclusions of law, both of which shall appear on the record. The court reporter shall furnish a transcript of the proceedings at no charge to any indigent juvenile who seeks review of any proceeding under this article if an affidavit is filed stating that neither the juvenile nor the juvenile's parents or custodian have the ability to pay for the transcript.

§49-5-18. Confidentiality of juvenile records.

(a) One year after the juvenile's eighteenth birthday, or one year after personal or juvenile jurisdiction has terminated, whichever is later, the records of a juvenile proceeding conducted under this chapter, including, but not limited to, law-enforcement files and records, ~~shall be sealed by operation of law~~ may be kept in a separate secure confidential place and the records may not be inspected except by order of the circuit court.

(b) The records of a juvenile proceeding in which a juvenile was transferred to criminal jurisdiction pursuant to the provisions of section ten of this article shall be ~~sealed by operation of law~~ kept in a separate secure confidential place and the records may not be inspected except by order of the circuit court if the juvenile is subsequently acquitted or found guilty only of an offense other than an offense upon which the waiver or order of transfer was based, or if the offense upon which the waiver or order of transfer was based is subsequently dismissed.

(c) To ~~seal~~ keep the confidentiality of juvenile records, they shall be returned to the circuit court in which the case was pending and be kept in a separate confidential file. The records shall be physically marked to show that they ~~have been sealed~~ are to remain confidential and shall be securely ~~sealed~~ kept and filed in ~~such~~ a manner so that no one can have access to determine the identity of the juvenile, except upon order of the circuit court.

~~(d) Sealed records may not be opened except upon order of the circuit court.~~

~~(e) Sealing of juvenile records~~

~~(d) Marking the juvenile records to show they are to remain confidential~~ has the legal effect of extinguishing the offense as if it never occurred.

~~(f) (e)~~ The records of a juvenile convicted under the criminal jurisdiction of the circuit court pursuant to subdivision (1), subsection (d), section ten of this article may not be ~~sealed~~ marked and kept as confidential.

~~(g) (f)~~ Any person who willfully violates this section ~~shall be~~ is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in ~~the county or regional~~ jail for not more than six months, or both so fined and confined, and ~~shall be~~ is liable for damages in the amount of \$300 or actual damages, whichever is greater.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 601—A Bill to amend and reenact §49-5-2 and §49-5-18 of the Code of West Virginia, 1931, as amended, all relating to juvenile offenders; extending circuit court jurisdiction

over juvenile status offenders adjudicated delinquent for habitual truancy until the juvenile reaches twenty-one years of age or completes a court-ordered education plan; establishing an age limit on adjudicated juveniles attending regular, nonalternative classes; keeping the records of a juvenile proceeding confidential; and removing the requirement of sealing the records.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 601, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 601) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments as to

Eng. Senate Bill No. 652, Requiring criminal background checks for home inspector applicants.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill was reported by the Clerk:

On page four, section five-b, line forty-two, by striking out the word “may” and inserting in lieu thereof the word “shall”;

And,

On page four, section five-b, line forty-six, after the word “section” by inserting the words “and may deny licensing, registration or certification based upon the results of the criminal history record check”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 652, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 652) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 652) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2352, Clarifying that the West Virginia Department of Environmental Protection does not assume a mine operator's obligations or liabilities under the Water Pollution Control Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

Eng. House Bill No. 2469, Increasing the cap on earnings during temporary reemployment after retirement.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the

passage as amended with its Senate amended title, to take effect from passage, of

Eng. Com. Sub. for House Bill No. 2538, Expiring, supplementing, amending, increasing, and adding items of appropriation in various accounts.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect July 1, 2013, of

Eng. Com. Sub. for House Bill No. 2717, Requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect July 1, 2013, of

Eng. Com. Sub. for House Bill No. 2727, Relating to the school aid formula.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, of

Eng. Com. Sub. for House Bill No. 2731, Regulating the performance of health maintenance tasks by unlicensed personnel.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

Eng. Com. Sub. for House Bill No. 2733, Relating to hearings before the Office of Administrative Hearings.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2738, Relating to the Center for Nursing.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill No. 2747, Relating to Open Governmental Proceedings.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. House Bill No. 2847, Relating to the collection of delinquent real property and personal property taxes.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect July 1, 2013, of

Eng. House Bill No. 2861, Relating to continued enrollment of at-risk student in public school.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill No. 2933, Providing notification to a prosecuting attorney of an offender's parole hearing and release.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 3020, Improving boat dock and marina safety.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect July 1, 2013, of

Eng. Com. Sub. for House Bill No. 3157, Restoring the authority, flexibility, and capacity of schools and school systems to improve student learning.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. House Bill No. 3160, Providing for a pilot initiative on governance of schools jointly established by adjoining counties.

The Senate again proceeded to the sixth order of business, which agenda includes the making of main motions.

On motion of Senator Unger, the Senate requested the return from the House of Delegates of

Eng. Com. Sub. for House Bill No. 2848, Providing the process for requesting a refund after forfeiture of rights to a tax deed.

Passed by the Senate in earlier proceedings today,

The bill still being in the possession of the Senate,

On motion of Senator Unger, the Senate reconsidered its action by which in earlier proceedings today it adopted the Judiciary committee amendment to the title of the bill (*shown in the Senate Journal of today, pages 2100 and 2101*).

The vote thereon having been reconsidered,

The question again being on the adoption of the Judiciary committee amendment to the title of the bill.

Thereafter, at the request of Senator Palumbo, as chair of the Committee on the Judiciary, and by unanimous consent, the Judiciary committee amendment to the title of the bill was withdrawn.

On motion of Senator Palumbo, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2848—A Bill to amend and reenact §11A-3-18, §11A-3-22, §11A-3-27 and §11A-3-28 of the Code of the West Virginia, 1931, as amended, all relating generally to the sale of tax liens and nonentered, escheated and waste and unappropriated lands; providing the process for requesting a refund after forfeiture of rights to a tax deed; clarifying deadlines for receipt of tax deeds and refunds related to failure to meet deadlines; modifying the requirements for petitioning to compel execution of a deed by the State Auditor; removing the provisions allowing judgment against the State Auditor for costs in the case of failure or refusal to execute a deed without reasonable cause; and providing for service of notice when mail is not deliverable to an address at the physical location of the property.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Unger, and by unanimous consent, the Senate returned to the fifth order of business.

Senator Miller, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for Senate Bill No. 386, Relating to personal safety orders.

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. 386 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the House of Delegates, striking out everything after the enacting section, and agree to the same as follows:

ARTICLE 8. PERSONAL SAFETY ORDERS.

§53-8-4. Petition seeking relief.

(a) *Underlying acts.* – A petitioner may seek relief under this article by filing with a magistrate court a petition that alleges the commission of any of the following acts against the petitioner by the respondent:

(1) A sexual offense or attempted sexual offense as defined in section one of this article; ~~or~~

(2) A violation of subsection (a), section nine-a, article two, chapter sixty-one of this code; or

(3) Repeated credible threats of bodily injury when the person making the threats knows or has reason to know that the threats cause another person to reasonably fear for his or her safety.

(b) *Contents.* –

The petition shall:

(1) Be verified and provide notice to the petitioner that an individual who knowingly provides false information in the petition is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in subsection (d) of this section;

(2) Subject to the provisions of subsection (c) of this section, contain the address of the petitioner; and

(3) Include all information known to the petitioner of:

(A) The nature and extent of the act specified in subsection (a) of this section for which the relief is being sought, including information known to the petitioner concerning previous harm or injury resulting from an act specified in subsection (a) of this section by the respondent;

(B) Each previous and pending action between the parties in any court; and

(C) The whereabouts of the respondent.

(c) *Address may be stricken.* – If, in a proceeding under this article, a petitioner alleges, and the court finds, that the disclosure of the address of the petitioner would risk further harm to the petitioner or a member of the petitioner’s household, that address may be stricken from the petition and omitted from all other documents filed with, or transferred to, a court.

(d) *Providing false information.* – An individual who knowingly provides false information in a petition filed under this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$1,000 or confined in jail not more than ninety days, or both.

(e) *Withdrawal or dismissal of a petition prior to adjudication operates as a dismissal without prejudice.* – No action for a personal safety order may be dismissed because the respondent is being prosecuted for a crime against the petitioner. For any action commenced under this article, dismissal of a case or a finding of not guilty, does not require dismissal of the action for a civil protection order.

(f) *Venue.* – The action may be heard in the county in which any underlying act occurred for which relief is sought in the petition, in the county in which the respondent is living, or in the county in which the petitioner is living, either temporarily or permanently.;

And,

That the Senate agree to the House amended title.

Respectfully submitted,

Ronald F. Miller, *Chair*; Donald H. Cookman, David C. Nohe,
Conferees on the part of the Senate.

Barbara Evans Fleischauer, *Chair*; Tim Manchin, John H. Shott,
Conferees on the part of the House of Delegates.

On motions of Senator Miller, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill No. 386, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 386) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senator Williams, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for Senate Bill No. 580, Updating requirements for dental intern, resident and teaching permits.

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. 580 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the House, striking out everything after the enacting clause, and agree to the same as follows:

That §30-4-8a, §30-4-10a, §30-4-25, §30-4-26, §30-4-27, §30-4-28 and §30-4-29 of the Code of West Virginia, 1931, as amended, be repealed; that §30-4A-6a, §30-4A-6b, §30-4A-6c, §30-4A-6d and §30-4A-18 of said code be repealed; that §30-4B-5, §30-4B-6, §30-4B-7 and §30-4B-8 of said code be repealed; that §30-4-1, §30-4-2, §30-4-3, §30-4-4, §30-4-5, §30-4-6, §30-4-7, §30-4-8, §30-4-9, §30-4-10, §30-4-11, §30-4-12, §30-4-13, §30-4-14, §30-

4-15, §30-4-16, §30-4-17, §30-4-18, §30-4-19, §30-4-20, §30-4-21, §30-4-22, §30-4-23 and §30-4-24 of said code be amended and reenacted; that §30-4A-1, §30-4A-2, §30-4A-3, §30-4A-4, §30-4A-5, §30-4A-6, §30-4A-7, §30-4A-8, §30-4A-9, §30-4A-10, §30-4A-11, §30-4A-12, §30-4A-13, §30-4A-14, §30-4A-15, §30-4A-16 and §30-4A-17 of said code be amended and reenacted; and that §30-4B-1, §30-4B-2, §30-4B-3 and §30-4B-4 of said code be amended and reenacted, all to read as follows:

ARTICLE 4. WEST VIRGINIA DENTAL PRACTICE ACT.

§30-4-1. Unlawful acts.

(a) It is unlawful for any person to practice or offer to practice dentistry or dental hygiene in this state without a license, issued under the provisions of this article, or advertise or use any title or description tending to convey or give the impression that they are a dentist or dental hygienist, unless the person is licensed under the provisions of this article.

(b) A business entity may not render any service or engage in any activity which, if rendered or engaged in by an individual, would constitute the practice of dentistry, except through a licensee.

§30-4-2. Applicable law.

The practices authorized under the provisions of this article and the Board of Dentistry are subject to article one of this chapter, the provisions of this article, and any rules promulgated hereunder.

§30-4-3. Definitions.

As used in articles four, four-a and four-b, the following words and terms have the following meanings:

(1) “AAOMS” means the American Association of Oral and Maxillofacial Surgeons;

(2) “AAPD” means the American Academy of Pediatric Dentistry;

(3) “ACLS” means Advanced Cardiac Life Support;

(4) “ADA” means the American Dental Association;

(5) “AMA” means the American Medical Association;

(6) “ASA” means American Society of Anesthesiologists;

(7) “Anxiolysis/minimal sedation” means removing, eliminating or decreasing anxiety by the use of a single anxiety or analgesia medication that is administered in an amount consistent with the manufacturer’s current recommended dosage for the unsupervised treatment of anxiety, insomnia or pain, in conjunction with nitrous oxide and oxygen. This does not include multiple dosing or exceeding current normal dosage limits set by the manufacturer for unsupervised use by the patient at home for the treatment of anxiety;

(8) “Approved dental hygiene program” means a program that is approved by the board and is accredited or its educational standards are deemed by the board to be substantially equivalent to those required by the Commission on Dental Accreditation of the American Dental Association;

(9) “Approved dental school, college or dental department of a university” means a dental school, college or dental department of a university that is approved by the board and is accredited or its educational standards are deemed by the board to be substantially equivalent to those required by the Commission on Dental Accreditation of the American Dental Association;

(10) “Authorize” means that the dentist is giving permission or approval to dental auxiliary personnel to perform delegated procedures in accordance with the dentist’s diagnosis and treatment plan;

(11) “BLS” means basic life support;

(12) “Board” means the West Virginia Board of Dentistry;

(13) “Business entity” means any firm, partnership, association, company, corporation, limited partnership, limited liability company or other entity;

(14) “Central nervous system anesthesia” means an induced, controlled state of unconsciousness or depressed consciousness produced by a pharmacologic method;

(15) “Certificate of qualification” means a certificate authorizing a dentist to practice a specialty;

(16) “CPR” means cardiopulmonary resuscitation;

(17) “Conscious sedation/moderate sedation” means an induced, controlled state of depressed consciousness, produced through the administration of nitrous oxide and oxygen and/or the administration of other agents whether enteral or parenteral, in which the patient retains the ability to independently and continuously maintain an airway and to respond purposefully to physical stimulation and to verbal command;

(18) “CRNA” means certified registered nurse anesthetist;

(19) “Defibrillator” means a device used to sustain asthmatic heart beat in an emergency and includes an automatic electronic defibrillator (AED);

(20) “Delegated procedures” means those procedures specified by law or by rule of the board and performed by dental auxiliary personnel under the supervision of a licensed dentist;

(21) “Dentist anesthesiologist” means a dentist who is trained in the practice of anesthesiology and has completed an additional approved anesthesia education course;

(22) “Dental assistant” means a person qualified by education, training or experience who aids or assists a dentist in the delivery of patient care in accordance with delegated procedures as specified by the board by rule or who may perform nonclinical duties in the dental office;

(23) “Dental auxiliary personnel” or “auxiliary” means dental hygienists and dental assistants who assist the dentist in the practice of dentistry;

(24) “Dental hygiene” means the performance of educational, preventive or therapeutic dental services and as further provided in section eleven and legislative rule;

(25) “Dental hygienist” means a person licensed by the board to practice and who provides dental hygiene and other services as specified by the board by rule to patients in the dental office and in a public health setting;

(26) “Dental laboratory” means a business performing dental laboratory services;

(27) “Dental laboratory services” means the fabricating, repairing or altering of a dental prosthesis;

(28) “Dental laboratory technician” means a person qualified by education, training or experience who has completed a dental laboratory technology education program and who fabricates, repairs or alters a dental prosthesis in accordance with a dentist’s work authorization;

(29) “Dental office” means the place where the licensed dentist and dental auxiliary personnel are practicing dentistry;

(30) “Dental prosthesis” means an artificial appliance fabricated to replace one or more teeth or other oral or peri-oral structure in order to restore or alter function or aesthetics;

(31) “Dentist” means an individual licensed by the board to practice dentistry;

(32) “Dentistry” means the evaluation, diagnosis, prevention and treatment of diseases, disorders and conditions of the oral cavity, maxillofacial area and the adjacent and associated structures provided by a dentist;

(33) “Direct supervision” means supervision of dental auxiliary personnel provided by a licensed dentist who is physically present in the dental office or treatment facility when procedures are being performed;

(34) “Facility permit” means a permit for a facility where sedation procedures are used that correspond with the level of anesthesia provided;

(35) “General anesthesia” means an induced, controlled state of unconsciousness in which the patient experiences complete loss of protective reflexes, as evidenced by the inability to independently maintain an airway, the inability to respond purposefully to physical stimulation or the inability to respond purposefully to verbal command;

(36) “Deep conscious sedation/general anesthesia” includes partial loss of protective reflexes and the patient retains the ability to independently and continuously maintain an airway;

(37) “General supervision” means a dentist is not required to be in the office or treatment facility when procedures are being performed by the auxiliary dental personnel, but has personally diagnosed the condition to be treated, has personally authorized the procedures and will evaluate the treatment provided by the dental auxiliary personnel;

(38) “Good moral character” means a lack of history of dishonesty;

(39) “Health Care Provider BLS/CPR” means health care provider basic life support/cardiopulmonary resuscitation;

(40) “License” means a license to practice dentistry or dental hygiene;

(41) “Licensee” means a person holding a license;

(42) “Mobile dental facility” any self-contained facility in which dentistry or dental hygiene will be practiced which may be moved, towed or transported from one location to another;

(43) “Portable dental unit” means any nonfacility in which dental equipment, utilized in the practice of dentistry, is transported to and utilized on a temporary basis an out-of-office location, including, but not limited to, patient’s homes, schools, nursing homes or other institutions;

(44) “Other dental practitioner” means those persons excluded from the definition of the practice of dentistry under the provisions of subdivisions (3), (4) and (5), section twenty-four, article four of this chapter and also those persons who hold teaching permits which have been issued to them under the provisions of section fourteen, article four of this chapter;

(45) “PALS” means pediatric advanced life support;

(46) “Pediatric patient” means infants and children;

(47) “Physician anesthesiologist” means a physician, medical doctor or doctor of osteopathy, who is specialized in the practice of anesthesiology;

(48) “Public health practice” means treatment or procedures in a public health setting which shall be designated by a rule promulgated by the board to require direct, general or no supervision of a dental hygienist by a dentist;

(49) “Public health setting” means hospitals, schools, correctional facilities, jails, community clinics, long-term care facilities, nursing homes, home health agencies, group homes, state institutions under the West Virginia Department of Health and Human Resources, public health facilities, homebound settings, accredited dental hygiene education programs and any other place designated by the board by rule;

(50) “Qualified monitor” means an individual who by virtue of credentialing and/or training is qualified to check closely and document the status of a patient undergoing anesthesia and observe utilized equipment;

(51) “Relative analgesia/minimal sedation” means an induced, controlled state of minimally depressed consciousness, produced solely by the inhalation of a combination of nitrous oxide and oxygen, or single oral premedication without the addition of nitrous oxide and oxygen in which the patient retains the ability to independently and continuously maintain an airway and to respond purposefully to physical stimulation and to verbal command;

(52) “Specialty” means the practice of a certain branch of dentistry;

(53) “Subcommittee” means West Virginia Board of Dentistry Subcommittee on Anesthesia; and

(54) “Work authorization” means a written order for dental laboratory services which has been issued by a licensed dentist or other dental practitioner.

§30-4-4. Board of Dental Examiners.

(a) The West Virginia Board of Dental Examiners is continued and on July 1, 2013, the board shall be renamed the West Virginia Board of Dentistry. 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.

(b) The Governor, by and with the advice and consent of the Senate, shall appoint:

(1) Six licensed dentists;

(2) One licensed dental hygienist;

(3) One nationally certified dental assistant or currently practicing dental assistant with a minimum of ten years' experience and;

(4) One citizen member who is not licensed under the provisions of this article and does not perform any services related to the practice of dentistry.

(c) The West Virginia Dental Association may submit recommendations to the Governor for the appointment of the licensed dentists board members, the West Virginia Association of Dental Hygienists may submit recommendations to the Governor for the appointment of a dental hygienist board member and the West Virginia Dental Assistant Association may submit recommendations to the Governor for the appointment of a dental assistant board member.

(d) A person connected with a commercial entity that may derive financial gain from the profession of dentistry and a person employed as full-time faculty with a dental college, school or dental department of a university are not eligible for appointment to the board.

(e) After the initial appointment term, the appointment term is five years. A member may not serve more than two consecutive

terms. A member who has served two consecutive full terms may not be reappointed for at least one year after completion of his or her second full term. A member may continue to serve until his or her successor has been appointed and qualified.

(f) Each licensed member of the board, at the time of his or her appointment, shall have held a license in this state for a period of not less than five years immediately preceding the appointment.

(g) Each member of the board shall be a resident of this state during the appointment term.

(h) A vacancy on the board shall be filled by appointment by the Governor for the unexpired term of the member whose office is vacant.

(i) The Governor may remove any member from the board for neglect of duty, incompetency or official misconduct.

(j) A licensed member of the board immediately and automatically forfeits membership to the board if his or her license to practice is suspended or revoked in any jurisdiction.

(k) A member of the board immediately and automatically forfeits membership to the board if he or she is convicted of a felony under the laws of any jurisdiction or becomes a nonresident of this state.

(l) The board shall elect annually one of its members as president and one member as secretary who shall serve at the will and pleasure of the board.

(m) Each member of the board is entitled to receive compensation and expense reimbursement in accordance with article one of this chapter.

(n) A simple majority of the membership serving on the board at a given time is a quorum for the transaction of business.

(o) The board shall hold at least two meetings annually. Other meetings shall be held at the call of the president or upon the written request of four members, at the time and place as designated in the call or request.

(p) Prior to commencing his or her duties as a member of the board, each member shall take and subscribe to the oath required by section five, article four of the constitution of this state.

(q) The members of the board, when acting in good faith and without malice, shall enjoy immunity from individual civil liability while acting within the scope of their duties as board members.

§30-4-5. Powers of the board.

The board has all the powers and duties set forth in this article, by rule, in article one of this chapter and elsewhere in law, including:

- (1) Hold meetings;
- (2) Establish procedures for submitting, approving and rejecting applications for a license, certificate and permit;
- (3) Determine the qualifications of any applicant for a license, certificate and permit;
- (4) Establish the fees charged under the provisions of this article;
- (5) Issue, renew, deny, suspend, revoke or reinstate a license, certificate and permit;
- (6) Prepare, conduct, administer and grade written, oral or written and oral examinations for a license;

(7) Contract with third parties to administer the examinations required under the provisions of this article;

(8) Maintain records of the examinations the board or a third party administers, including the number of persons taking the examination and the pass and fail rate;

(9) Maintain an office, and hire, discharge, establish the job requirements and fix the compensation of employees and contract with persons necessary to enforce the provisions of this article;

(10) Employ investigators, attorneys, hearing examiners, consultants and other employees as may be necessary, who are exempt from the classified service and who serve at the will and pleasure of the board;

(11) Investigate alleged violations of the provisions of this article, article four-a and article four-b of this chapter, and legislative rules, orders and final decisions of the board;

(12) Conduct disciplinary hearings of persons regulated by the board;

(13) Determine disciplinary action and issue orders;

(14) Institute appropriate legal action for the enforcement of the provisions of this article;

(15) Maintain an accurate registry of names and addresses of all persons regulated by the board;

(16) Keep accurate and complete records of its proceedings, and certify the same as may be necessary and appropriate;

(17) Propose rules in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this article;

(18) Sue and be sued in its official name as an agency of this state; and

(19) Confer with the Attorney General or his or her assistant in connection with legal matters and questions.

§30-4-6. Rule-making authority.

(a) The board shall propose rules for legislative approval, in accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement the provisions of this article, and articles four-a and four-b of this chapter including:

(1) Standards and requirements for licenses, certifications and permits;

(2) Requirements for third parties to prepare and/or administer examinations and reexaminations;

(3) Educational and experience requirements;

(4) Continuing education requirements and approval of continuing education courses;

(5) Procedures for the issuance and renewal of licenses, certifications and permits;

(6) Establish a fee schedule;

(7) Regulate dental specialties;

(8) Delegate procedures to be performed by a dental hygienist;

(9) Delegate procedures to be performed by a dental assistant;

(10) Designate the services and procedures performed under direct supervision, general supervision in public health practice;

(11) Designate additional public health settings;

(12) Regulate the use of firm or trade names;

(13) Regulate dental corporations;

(14) Regulate mobile dental facilities;

(15) Regulate portable dental units;

(16) Regulate professional limited liability companies;

(17) Establish professional conduct requirements;

(18) Establish the procedures for denying, suspending, revoking, reinstating or limiting the practice of licensees, certifications and permittees;

(19) Establish requirements for inactive or revoked licenses, certifications and permits;

(20) Regulate dental anesthesia, including:

(A) Fees;

(B) Evaluations;

(C) Equipment;

(D) Emergency drugs;

(E) Definitions;

(F) Qualified monitor requirements; and

(G) Education;

(21) Any other rules necessary to implement this article.

(b) All of the board's rules in effect and not in conflict with these provisions shall remain in effect until they are amended or rescinded.

§30-4-7. Fees; special revenue account; administrative fines.

(a) All fees and other moneys, except administrative fines, received by the board shall be deposited in a separate special revenue fund in the State Treasury designated the Board of Dentists and Dental Hygienist Special Fund, which is continued and shall be known as the Board of Dentistry Special Fund. The fund is used by the board for the administration of this article. Except as may be provided in article one of this chapter, the board retains the amount in the special revenue account from year to year. No compensation or expense incurred under this article is a charge against the General Revenue Fund.

(b) Any amounts received as administrative fines imposed pursuant to this article shall be deposited into the General Revenue Fund of the State Treasury.

§30-4-8. License to practice dentistry.

(a) The board shall issue a license to practice dentistry to an applicant who meets the following requirements:

(1) Is at least eighteen years of age;

(2) Is of good moral character;

(3) Is a graduate of and has a diploma from a school accredited by the Commission on Dental Accreditation or equivalently approved dental college, school or dental department of a university as determined by the board;

(4) Has passed the national board examination as given by the Joint Commission on National Dental Examinations and a clinical examination as specified by the board by rule;

(5) Has not been found guilty of cheating, deception or fraud in the examination or any part of the application;

(6) Has paid the application fee specified by rule; and

(7) Not be an alcohol or drug abuser, as these terms are defined in section eleven, article one-a, chapter twenty-seven of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in a twelve-step program or other similar group or process, may be considered.

(b) A dentist may not represent to the public that he or she is a specialist in any branch of dentistry or limit his or her practice to any branch of dentistry unless first issued a certificate of qualification in that branch of dentistry by the board.

(c) A license to practice dentistry issued by the board shall for all purposes be considered a license issued under this section: *Provided*, That a person holding a license shall renew the license.

§30-4-9. Scope of practice of a dentist.

The practice of dentistry includes the following:

(1) Coordinate dental services to meet the oral health needs of the patient;

(2) Examine, evaluate and diagnose diseases, disorders and conditions of the oral cavity, maxillofacial area and adjacent and associated structures;

(3) Treat diseases, disorders and conditions of the oral cavity, maxillofacial area and the adjacent and associated structures;

(4) Provide services to prevent diseases, disorders and conditions of the oral cavity, maxillofacial area and the adjacent and associated structures;

(5) Fabricate, repair or alter a dental prosthesis;

(6) Administer anesthesia in accordance with the provisions of article four-a of this chapter;

(7) Prescribe drugs necessary for the practice of dentistry;

(8) Execute and sign a death certificate when it is required in the practice of dentistry;

(9) Employ and supervise dental auxiliary personnel;

(10) Authorize delegated procedures to be performed by dental auxiliary personnel; and

(11) Perform any other work included in the curriculum of an approved dental school, college or dental department of a university.

§30-4-10. License to practice dental hygiene.

(a) The board shall issue a dental hygienist license to an applicant who meets the following requirements:

(1) Is at least eighteen years of age;

(2) Is of good moral character;

(3) Is a graduate with a degree in dental hygiene from an approved dental hygiene program of a college, school or dental department of a university;

(4) Has passed the national board dental hygiene examination, a regional or state clinical examination and a state law examination that tests the applicant's knowledge of subjects specified by the board by rule;

(5) Has not been found guilty of cheating, deception or fraud in the examination or any part of the application;

(6) Has paid the application fee specified by rule; and

(7) Not be an alcohol or drug abuser, as these terms are defined in section eleven, article one-a, chapter twenty-seven of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in a twelve-step program or other similar group or process, may be considered.

(b) A dental hygienist license issued by the board and in good standing on the effective date of the amendments to this section shall for all purposes be considered a dental hygienist license issued under this section: *Provided*, That a person holding a dental hygienist license shall renew the license.

§30-4-11. Scope of practice for a dental hygienist.

The practice of dental hygiene includes the following:

(1) Perform a complete prophylaxis, including the removal of any deposit, accretion or stain from supra and subgingival, the surface of a tooth or a restoration;

(2) Apply a medicinal agent to a tooth for a prophylactic purpose;

(3) Take a radiograph for interpretation by a dentist;

(4) Instruct a patient on proper oral hygiene practice;

(5) Place sealants on a patient's teeth without a prior examination by a licensed dentist: *Provided*, That for this subdivision, the dental hygienist has a public health practice permit issued by the board, and subject to a collaborative agreement with a supervising dentist and the patient is referred for a dental examination within six months of sealant application;

(6) Perform all delegated procedures of a dental hygienist specified by rule by the board; and

(7) Performing all delegated procedures of a dental assistant specified by rule by the board.

§30-4-12. License renewal.

(a) All persons regulated by this article shall annually or biannually, renew his or her board authorization by completing a form prescribed by the board and submitting any other information required by the board.

(b) The board shall charge a fee for each renewal of a board authorization and shall charge a late fee for any renewal not paid by the due date.

(c) The board shall require as a condition of renewal that each licensee, certificate holder or permittee complete continuing education.

(d) The board may deny an application for renewal for any reason which would justify the denial of an original application.

§30-4-13. Board authorizations shall be displayed.

(a) The board shall prescribe the form for a board authorization and may issue a duplicate upon payment of a fee.

(b) Any person regulated by the article shall conspicuously display his or her board authorization at his or her principal business location.

§30-4-14. Dental intern, resident or teaching permit.

(a) The board may issue a dental intern or dental resident permit to an applicant who has been accepted as a dental intern or dental resident by a licensed hospital or dental school in this state which maintains an established dental department under the supervision of a licensed dentist and meets the following qualifications:

(1) Has graduated from a Commission on Dental Accreditation or equivalent approved dental college, school or dental department of a university with a degree in dentistry;

(2) Has paid the application fee specified by rule; and

(3) Meets the other qualifications specified by rule.

(b) The dental intern or dental resident permit may be renewed and expires on the earlier of:

(1) The date the permit holder ceases to be a dental intern or dental resident; or

(2) One year after the date of issue.

(c) The board may issue a teaching permit to an applicant who is not otherwise licensed to practice dentistry in this state and who meets the following conditions:

(1) Is authorized or is eligible, as determined by the board, for a authorization to practice dentistry in another jurisdiction;

(2) Has met or been approved under the credentialing standards of a dental school or an academic medical center with which

the person is to be affiliated: *Provided*, That the dental school or academic medical center is accredited by the Commission on Dental Accreditation or Joint Commission on Accreditation of Health Care Organizations;

(3) The permittee may teach and practice dentistry in or on behalf of a dental school or college offering a doctoral degree in dentistry operated and conducted in this state, in connection with an academic medical center or at any teaching hospital adjacent to a dental school or an academic medical center;

(4) Shall successfully complete the West Virginia Dental Law Examination;

(5) Shall pay annual renewal fees to the board;

(6) Shall comply with continuing education requirements; and

(7) Has had no disciplinary actions taken or pending against him or her by any other jurisdiction.

(d) A teaching permit may be renewed annually with a written recommendation from the dental school dean.

(e) While in effect, a permittee is subject to the restrictions and requirements imposed by this article to the same extent as a licensee. In addition, a permittee may not receive any fee for service other than a salary paid by the hospital or dental school.

§30-4-15. Special volunteer dentist or dental hygienist license; civil immunity for voluntary services rendered to indigents.

(a) There is continued a special volunteer dentist and dental hygienist license for dentist and dental hygienists retired or retiring from the active practice of dentistry and dental hygiene who wish to donate their expertise for the care and treatment of indigent and

needy patients in the clinic setting of clinics organized, in whole or in part, for the delivery of health care services without charge. The special volunteer dentist or dental hygienist license shall be issued by the board to dentist or dental hygienists licensed or otherwise eligible for licensure under this article and the legislative rules promulgated hereunder without the payment of an application fee, license fee or renewal fee, shall be issued for the remainder of the licensing period, and renewed consistent with the boards other licensing requirements. The board shall develop application forms for the special license provided in this subsection which shall contain the dental hygienist's acknowledgment that:

(1) The dentist or dental hygienist's practice under the special volunteer dentist or dental hygienist license will be exclusively devoted to providing dentistry or dental hygiene care to needy and indigent persons in West Virginia;

(2) The dentist or dental hygienist will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for any dentistry or dental hygiene services rendered under the special volunteer dentist or dental hygienist license;

(3) The dentist or dental hygienist will supply any supporting documentation that the board may reasonably require; and

(4) The dentist or dental hygienist agrees to continue to participate in continuing professional education as required by the board for the special volunteer dentist or dental hygienist.

(b) Any dentist or dental hygienist who renders any dentistry or dental hygiene service to indigent and needy patients of a clinic organized, in whole or in part, for the delivery of health care services without charge under a special volunteer dentist or dental hygienist license authorized under subsection (a) of this section without payment or compensation or the expectation or promise of payment or compensation is immune from liability for any

civil action arising out of any act or omission resulting from the rendering of the dental hygiene service at the clinic unless the act or omission was the result of the dentist's or dental hygienist's gross negligence or willful misconduct. In order for the immunity under this subsection to apply, there shall be a written agreement between the dentist or dental hygienist and the clinic pursuant to which the dentist or dental hygienist will provide voluntary uncompensated dental hygiene services under the control of the clinic to patients of the clinic before the rendering of any services by the dentist or dental hygienist at the clinic: *Provided*, That any clinic entering into such written agreement is required to maintain liability coverage of not less than one million dollars per occurrence.

(c) Notwithstanding the provisions of subsection (b) of this section, a clinic organized, in whole or in part, for the delivery of health care services without charge is not relieved from imputed liability for the negligent acts of a dentist or dental hygienist rendering voluntary dental hygiene services at or for the clinic under a special volunteer dentist or dental hygienist license authorized under subsection (a) of this section.

(d) For purposes of this section, "otherwise eligible for licensure" means the satisfaction of all the requirements for licensure as listed in section eight of this article and in the legislative rules promulgated thereunder, except the fee requirements of subdivision (6) of that section and of the legislative rules promulgated by the board relating to fees.

(e) Nothing in this section may be construed as requiring the board to issue a special volunteer dentist or dental hygienist license to any dental hygienist whose license is or has been subject to any disciplinary action or to any dentist or dental hygienist who has surrendered a license or caused such license to lapse, expire and become invalid in lieu of having a complaint initiated or other action taken against his or her dentist or dental hygienist license, or who has elected to place a dentist or dental hygienist license in inactive status in lieu of having a complaint initiated or other action

taken against his or her license, or who has been denied a dentist or dental hygienist license.

(f) Any policy or contract of liability insurance providing coverage for liability sold, issued or delivered in this state to any dentist or dental hygienist covered under the provisions of this article shall be read so as to contain a provision or endorsement whereby the company issuing such policy waives or agrees not to assert as a defense on behalf of the policyholder or any beneficiary thereof, to any claim covered by the terms of such policy within the policy limits, the immunity from liability of the insured by reason of the care and treatment of needy and indigent patients by a dentist or dental hygienist who holds a special volunteer dentist or dental hygienist license.

§30-4-16. Dental corporations.

(a) Dental corporations are continued.

(b) One or more dentists may organize and become a shareholder or shareholders of a dental corporation domiciled within this state under the terms and conditions and subject to the limitations and restrictions specified by rule.

(c) No corporation may practice dentistry, or any of its branches, or hold itself out as being capable of doing so without a certificate of authorization from the board.

(d) When the Secretary of State receives a certificate of authorization to act as a dental corporation from the board, he or she shall attach the authorization to the corporation application and, upon compliance with the applicable provisions of chapter thirty-one of this code, the Secretary of State shall issue to the incorporators a certificate of incorporation for the dental corporation.

(e) A corporation holding a certificate of authorization shall renew annually, on or before June 30, on a form prescribed by the board and pay an annual fee in an amount specified by rule.

(f) A dental corporation may practice dentistry only through an individual dentist or dentists licensed to practice dentistry in this state, but the dentist or dentists may be employees rather than shareholders of the corporation.

(g) A dental corporation holding a certificate of authorization shall cease to engage in the practice of dentistry upon being notified by the board that any of its shareholders is no longer a licensed dentist or when any shares of the corporation have been sold or disposed of to a person who is not a licensed dentist: *Provided*, That the personal representative of a deceased shareholder has a period, not to exceed twenty-four months from the date of the shareholder's death, to dispose of the shares; but nothing contained herein may be construed as affecting the existence of the corporation or its right to continue to operate for all lawful purposes other than the practice of dentistry.

§30-4-17. Reinstatement.

(a) A licensee against whom disciplinary action has been taken under the provisions of this article shall be afforded an opportunity to demonstrate the qualifications to resume practice. The application for reinstatement shall be in writing and subject to the procedures specified by the board by rule.

(b) A licensee who does not complete annual renewal, as specified by the board by rule, and whose license has lapsed for one year or longer, shall make application for reinstatement as specified by the board by rule.

(c) The board, at its discretion and for cause, may require an applicant for reinstatement to undergo a physical and/or mental evaluation to determine a licensee is competent to practice or if the licensee is impaired by drugs or alcohol.

§30-4-18. Actions to enjoin violations.

(a) If the board obtains information that any person has engaged in, is engaging in or is about to engage in any act which constitutes or will constitute a violation of the provisions of this article, the rules promulgated pursuant to this article or a final order or decision of the board, it may issue a notice to the person to cease and desist in engaging in the act and/or apply to the circuit court in the county of the alleged violation for an order enjoining the act.

(b) The circuit court may issue a temporary injunction pending a decision on the merits and may issue a permanent injunction based on its findings in the case.

(c) The judgment of the circuit court on an application permitted by the provisions of this section is final unless reversed, vacated or modified on appeal to the West Virginia Supreme Court of Appeals.

§30-4-19. Complaints; investigations; due process procedure; grounds for disciplinary action.

(a) The board may initiate a complaint upon receipt of credible information and shall, upon the receipt of a written complaint of any person, cause an investigation to be made to determine whether grounds exist for disciplinary action under this article or the legislative rules promulgated pursuant to this article.

(b) After reviewing any information obtained through an investigation, the board shall determine if probable cause exists that the licensee, certificate holder or permittee has violated subsection

(g) of this section or rules promulgated pursuant to this article.

(c) Upon a finding of probable cause to go forward with a complaint, the board shall provide a copy of the complaint to the licensee, certificate holder or permittee.

(d) Upon a finding that probable cause exists that the licensee, certificate holder or permittee has violated subsection (g) of this

section or rules promulgated pursuant to this article, the board may enter into a consent decree or hold a hearing for disciplinary action against the licensee, certificate holder or permittee. Any hearing shall be held in accordance with the provisions of this article and shall require a violation to be proven by a preponderance of the evidence.

(e) A member of the complaint committee or the executive director of the board may issue subpoenas and subpoenas duces tecum to obtain testimony and documents to aid in the investigation of allegations against any person regulated by the article.

(f) Any member of the board or its executive director may sign a consent decree or other legal document on behalf of the board.

(g) The board may, after notice and opportunity for hearing, deny or refuse to renew, suspend, restrict or revoke the license, certificate or permit of, or impose probationary conditions upon or take disciplinary action against, any licensee, certificate holder or permittee for any of the following reasons:

(1) Obtaining a board authorization by fraud, misrepresentation or concealment of material facts;

(2) Being convicted of a felony or a misdemeanor crime of moral turpitude;

(3) Being guilty of unprofessional conduct which placed the public at risk, as defined by legislative rule of the board;

(4) Intentional violation of a lawful order or legislative rule of the board;

(5) Having had a board authorization revoked or suspended, other disciplinary action taken, or an application for a board authorization denied by the proper authorities of another jurisdiction;

(6) Aiding or abetting unlicensed practice;

(7) Engaging in an act while acting in a professional capacity which has endangered or is likely to endanger the health, welfare or safety of the public;

(8) Having an incapacity that prevents a licensee from engaging in the practice of dentistry or dental hygiene, with reasonable skill, competence and safety to the public;

(9) Committing fraud in connection with the practice of dentistry or dental hygiene;

(10) Failing to report to the board one's surrender of a license or authorization to practice dentistry or dental hygiene in another jurisdiction while under disciplinary investigation by any of those authorities or bodies for conduct that would constitute grounds for action as defined in this section;

(11) Failing to report to the board any adverse judgment, settlement or award arising from a malpractice claim arising related to conduct that would constitute grounds for action as defined in this section;

(12) Being guilty of unprofessional conduct as contained in the American Dental Association principles of ethics and code of professional conduct. The following acts are conclusively presumed to be unprofessional conduct:

(A) Being guilty of any fraud or deception;

(B) Committing a criminal operation or being convicted of a crime involving moral turpitude;

(C) Abusing alcohol or drugs;

(D) Violating any professional confidence or disclosing any professional secret;

(E) Being grossly immoral;

(F) Harassing, abusing, intimidating, insulting, degrading or humiliating a patient physically, verbally or through another form of communication;

(G) Obtaining any fee by fraud or misrepresentation;

(H) Employing directly or indirectly, or directing or permitting any suspended or unlicensed person so employed, to perform operations of any kind or to treat lesions of the human teeth or jaws or correct malimposed formations thereof;

(I) Practicing, or offering, or undertaking to practice dentistry under any firm name or trade name not approved by the board;

(J) Having a professional connection or association with, or lending his or her name to another, for the illegal practice of dentistry, or professional connection or association with any person, firm or corporation holding himself or herself, themselves or itself out in any manner contrary to this article;

(K) Making use of any advertising relating to the use of any drug or medicine of unknown formula;

(L) Advertising to practice dentistry or perform any operation thereunder without causing pain;

(M) Advertising professional superiority or the performance of professional services in a superior manner;

(N) Advertising to guarantee any dental service;

(O) Advertising in any manner that is false or misleading in any material respect;

(P) Soliciting subscriptions from individuals within or without the state for, or advertising or offering to individuals within or

without the state, a course or instruction or course materials in any phase, part or branch of dentistry or dental hygiene in any journal, newspaper, magazine or dental publication, or by means of radio, television or United States mail, or in or by any other means of contacting individuals: *Provided*, That the provisions of this paragraph may not be construed so as to prohibit:

(i) An individual dentist or dental hygienist from presenting articles pertaining to procedures or technique to state or national journals or accepted dental publications; or

(ii) Educational institutions approved by the board from offering courses or instruction or course materials to individual dentists and dental hygienists from within or without the state; or

(Q) Engaging in any action or conduct which would have warranted the denial of the license;

(13) Knowing or suspecting that a licensee is incapable of engaging in the practice of dentistry or dental hygiene, with reasonable skill, competence and safety to the public, and failing to report any relevant information to the board;

(14) Using or disclosing protected health information in an unauthorized or unlawful manner;

(15) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of any licensing examination;

(16) Failing to furnish to the board or its representatives any information legally requested by the board or failing to cooperate with or engaging in any conduct which obstructs an investigation being conducted by the board;

(17) Announcing or otherwise holding himself or herself out to the public as a specialist or as being specially qualified in any

particular branch of dentistry or as giving special attention to any branch of dentistry or as limiting his or her practice to any branch of dentistry without first complying with the requirements established by the board for the specialty and having been issued a certificate of qualification in the specialty by the board;

(18) Failing to report to the board within seventy-two hours of becoming aware thereof any life threatening occurrence, serious injury or death of a patient resulting from dental treatment or complications following a dental procedure;

(19) Failing to report to the board any driving under the influence and/or driving while intoxicated offense; or

(20) Violation of any of the terms or conditions of any order entered in any disciplinary action.

(h) For the purposes of subsection (g) of this section, effective July 1, 2013, disciplinary action may include:

(1) Reprimand;

(2) Probation;

(3) Restrictions;

(4) Suspension;

(5) Revocation;

(6) Administrative fine, not to exceed \$1,000 per day per violation;

(7) Mandatory attendance at continuing education seminars or other training;

(8) Practicing under supervision or other restriction; or

(9) Requiring the licensee or permittee to report to the board for periodic interviews for a specified period of time.

(i) In addition to any other sanction imposed, the board may require a licensee or permittee to pay the costs of the proceeding.

(j) A person authorized to practice under this article who reports or otherwise provides evidence of the negligence, impairment or incompetence of another member of this profession to the board or to any peer review organization is not liable to any person for making the report if the report is made without actual malice and in the reasonable belief that the report is warranted by the facts known to him or her at the time.

§30-4-20. Procedures for hearing; right of appeal.

(a) Hearings are governed by the provisions of section eight, article one of this chapter.

(b) The board may conduct the hearing or elect to have an administrative law judge conduct the hearing.

(c) If the hearing is conducted by an administrative law judge, at the conclusion of a hearing he or she shall prepare a proposed written order containing findings of fact and conclusions of law. The proposed order may contain proposed disciplinary actions if the board so directs. The board may accept, reject or modify the decision of the administrative law judge.

(d) Any member or the executive director of the board has the authority to administer oaths, examine any person under oath.

(e) If, after a hearing, the board determines the licensee or permittee has violated provisions of this article or the board's rules, a formal written decision shall be prepared which contains findings of fact, conclusions of law and a specific description of the disciplinary actions imposed.

§30-4-21. Judicial review.

A person adversely affected by a decision of the board denying an application or entered after a hearing may obtain judicial review of the decision in accordance with section four, article five, chapter twenty-nine-a of this code and may appeal any ruling resulting from judicial review in accordance with article six of said chapter.

§30-4-22. Criminal offenses.

(a) When, as a result of an investigation under this article or otherwise, the board has reason to believe that a person authorized under this article has committed a criminal offense under this article, the board may bring its information to the attention of an appropriate law-enforcement official.

(b) Any person who intentionally practices, or holds himself or herself out as qualified to practice dentistry or dental hygiene, or uses any title, word or abbreviation to indicate to or induce others to believe he or she is licensed to practice as a dentist or dental hygienist without obtaining an active, valid West Virginia license to practice that profession or with a license that is:

(1) Expired, suspended or lapsed; or

(2) Inactive, revoked, suspended as a result of disciplinary action, or surrendered, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$10,000.

§30-4-23. Single act evidence of practice.

In any action brought under this article, article four-a or four-b any proceeding initiated under this article, evidence of the commission of a single act prohibited by this article is sufficient to justify a penalty, injunction, restraining order or conviction without evidence of a general course of conduct.

§30-4-24. Inapplicability of article.

The provisions of this article do not apply to:

(1) A licensed physician or surgeon in the practice of his or her profession when rendering dental relief in emergency cases, unless he or she undertakes to reproduce or reproduces lost parts of the human teeth or to restore or replace lost or missing teeth in the human mouth;

(2) A dental laboratory in the performance of dental laboratory services, while the dental laboratory, in the performance of the work, conforms in all respects to the requirements of article four-b of this chapter and further does not apply to persons performing dental laboratory services under the direct supervision of a licensed dentist or under the direct supervision of a person authorized under this article to perform any of the acts in this article defined to constitute the practice of dentistry while the work is performed in connection with, and as a part of, the dental practice of the licensed dentist or other authorized person and for his or her dental patients;

(3) A student enrolled in and regularly attending any dental college recognized by the board, provided their acts are done in the dental college and under the direct and personal supervision of their instructor;

(4) A student enrolled in and regularly attending any dental college, recognized by the board, practicing dentistry in a public health setting, provided their acts are done under the direct supervision of their instructor, adjunct instructor or a dentist;

(5) An authorized dentist of another state temporarily operating a clinic under the auspices of a organized and reputable dental college or reputable dental society, or to one lecturing before a reputable society composed exclusively of dentists; or

(6) A dentists whose practice is confined exclusively to the service of the United States Army, the United States Navy, the

United States Air Force, the United States Coast Guard, the United States Public Health Service, the United States Veteran's Bureau or any other authorized United States government agency or bureau.

ARTICLE 4A. ADMINISTRATION OF ANESTHESIA BY DENTISTS.

§30-4A-1. Requirement for anesthesia permit; qualifications and requirements for qualified monitors.

(a) No dentist may induce central nervous system anesthesia without first having obtained an anesthesia permit for the level of anesthesia being induced.

(b) The applicant for an anesthesia permit shall pay the appropriate permit fees and renewal fees, submit a completed board-approved application and consent to an office evaluation.

(c) Permits shall be issued to coincide with the annual renewal dates for licensure.

(d) Permit holders shall report the names and qualifications of each qualified monitor providing services to that permit holder. A qualified monitor may not perform the functions and responsibilities specified in this article for any level of anesthesia, other than relative analgesia/minimal sedation, without certification by the board. Qualified monitors shall apply for certification and pay the appropriate application fees and renewal fees. Qualified monitors are required to renew annually by June 30. To be certified as a qualified monitor, the applicant must meet the following minimum qualifications:

(1) Possess a current health care provider BLS/CPR certification;

(2) For monitoring, conscious sedation/moderate sedation or general anesthesia/deep conscious sedation procedures, successful completion of an AAOMS or AAPD anesthesia assistants certification program; and

(3) For monitoring a nitrous oxide unit, successful completion of a board-approved course in nitrous oxide monitoring.

(e) A dentist shall hold a class permit equivalent to or exceeding the anesthesia level being provided, unless the provider of anesthesia is a physician anesthesiologist or another licensed dentist who holds a current anesthesia permit issued by the board.

§30-4A-2. Presumption of degree of central nervous system depression.

(a) In any hearing where a question exists as to the level of central nervous system depression a licensee has induced, as outlined in this article, the board may base its findings on, among other things, the types, dosages and routes of administration of drugs administered to the patient and what result can reasonably be expected from those drugs in those dosages and routes administered in a patient of that physical and psychological status.

(b) No permit holder may have more than one person under conscious sedation/moderate sedation and/or general anesthesia/deep conscious sedation at the same time, exclusive of recovery.

§30-4A-3. Classes of anesthesia permits.

(a) The board shall issue the following permits:

(1) Class 2 Permit: A Class 2 Permit authorizes a dentist to induce anxiolysis/minimal sedation.

(2) Class 3 Permit: A Class 3 Permit authorizes a dentist to induce conscious sedation/moderate sedation as limited enteral (3a) and/or comprehensive parenteral (3b) and anxiolysis/minimal sedation.

(3) Class 4 Permit: A Class 4 Permit authorizes a dentist to induce general anesthesia/deep conscious sedation, conscious sedation/moderate sedation and anxiolysis/minimal sedation.

(b) When anesthesia services are provided in dental facilities by a medical doctor or doctor of osteopathy physician anesthesiologist or dentist anesthesiologist, the dental facility shall be inspected and approved for a Class 4 permit and the dentist shall have a minimum of a Class 2 permit. If anesthesia services are provided by a CRNA, the dental facility shall be inspected and approved for a Class 4 permit and the supervising dentist shall have the same level of permit for the level of anesthesia provided by the CRNA.

§30-4A-4. Qualifications, standards and continuing education requirements for relative analgesia/minimal sedation use.

(a) The board shall allow administration of relative analgesia/minimal sedation if the practitioner:

(1) Is a licensed dentist in the state;

(2) Holds valid and current documentation showing successful completion of a Health Care Provider BLS/CPR course; and

(3) Has completed a training course of instruction in dental school, continuing education or as a postgraduate in the administration of relative analgesia/minimal sedation.

(b) A practitioner who administers relative analgesia/minimal sedation shall have the following facilities, equipment and drugs available during the procedure and during recovery:

(1) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow delivery of age appropriate care in an emergency situation;

(2) An operating table or chair which permits the patient to be positioned so that the patient's airway can be maintained, quickly alter the patient's position in an emergency and provide a firm platform for the administration of basic life support;

(3) A lighting system which permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;

(4) Suction equipment which permits aspiration of the oral and pharyngeal cavities;

(5) An oxygen delivery system with adequate age appropriate full face masks and appropriate connectors that is capable of delivering high-flow oxygen to the patient under positive pressure, together with an adequate backup system;

(6) A nitrous oxide delivery system with a fail-safe mechanism that will ensure appropriate continuous oxygen delivery and a scavenger system; and

(7) A defibrillator device: *Provided*, That this requirement is only for Class 2, 3 and 4 permittees.

(c) All equipment used shall be appropriate for the height and weight and age of the patient.

(d) Before inducing relative analgesia/minimal sedation by means of nitrous oxide or a single premedication agent, a practitioner shall:

(1) Evaluate the patient;

(2) Give instruction to the patient or, when appropriate due to age or psychological status of the patient, the patient's guardian; and

(3) Certify that the patient is an appropriate candidate for relative analgesia/minimal sedation.

(e) A practitioner who administers relative analgesia/minimal sedation shall see that the patient's condition is visually monitored.

At all times, the patient shall be observed by a qualified monitor until discharge criteria have been met.

(f) A qualified monitor's record shall include documentation of all medications administered with dosages, time intervals and route of administration including local anesthesia.

(g) A discharge entry shall be made in the patient's record indicating the patient's condition upon discharge.

(h) A qualified monitor shall hold valid and current documentation:

(1) Showing successful completion of a Health Care Provider BLS/CPR course; and

(2) Have received training and be competent in the recognition and treatment of medical emergencies, monitoring vital signs, the operation of nitrous oxide delivery systems and the use of the sphygmomanometer and stethoscope.

(i) The practitioner shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:

(1) The patient is alert and oriented to person, place and time as appropriate to age and preoperative neurological status;

(2) The patient can talk and respond coherently to verbal questioning or to preoperative neurological status;

(3) The patient can sit up unaided or without assistance or to preoperative neurological status;

(4) The patient can ambulate with minimal assistance or to preoperative neurological status; and

(5) The patient does not have uncontrollable nausea, vomiting or dizziness.

§30-4A-5. Qualifications, standards and continuing education requirements for a Class 2 permit.

(a) The board shall issue a Class 2 permit to an applicant who:

(1) Is a licensed dentist in West Virginia;

(2) Holds valid and current documentation showing successful completion of a Health Care Provider BLS/CPR; and

(3) Has completed a board-approved course of at least six hours didactic and clinical of either predoctoral dental school or postgraduate instruction.

(b) A dentist who induces relative analgesia/minimal sedation and anxiolysis/minimal sedation shall have the following facilities, properly maintained equipment and appropriate drugs available during the procedures and during recovery:

(1) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least two individuals to freely move about the patient;

(2) An operating table or chair which permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency and provide a firm platform for the administration of basic life support;

(3) A lighting system which permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;

(4) Suction equipment which permits aspiration of the oral and pharyngeal cavities;

(5) An oxygen delivery system with adequate age appropriate full face mask and appropriate connectors that is capable of delivering high-flow oxygen to the patient under positive pressure, together with an adequate backup system;

(6) A nitrous oxide delivery system with a fail-safe mechanism that will ensure appropriate continuous oxygen delivery and a scavenger system;

(7) A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area can be the operating room;

(8) Sphygmomanometer, stethoscope and pulse oximeter;

(9) Emergency drugs as specified by rule;

(10) A defibrillator device; and

(11) All equipment and medication dosages shall be in accordance with the height and weight and age of the patient being treated.

(c) Before inducing anxiolysis/minimal sedation, a dentist shall:

(1) Evaluate the patient by using the ASA Patient Physical Status Classification of the ASA that the patient is an appropriate candidate for anxiolysis/minimal sedation; and

(2) Obtain written informed consent from the patient or patient's guardian for the anesthesia. The obtaining of the informed consent shall be documented in the patient's record.

(d) The dentist shall monitor and record the patient's condition or shall use a qualified monitor to monitor and record the patient's

condition. The documented requirements of a qualified monitor monitoring anxiolysis/minimal sedation cases are as specified by rule. A Class 2 permit holder may have no more than one person under anxiolysis/minimal sedation at the same time.

(e) The patient shall be monitored as follows:

(1) Patients shall have continuous monitoring using pulse oximetry. The patient's blood pressure, heart rate and respiration shall be recorded at least once before, during and after the procedure and these recordings shall be documented in the patient record. At all times, the patient shall be observed by a qualified monitor until discharge criteria have been met. If the dentist is unable to obtain this information, the reasons shall be documented in the patient's record. The record shall also include documentation of all medications administered with dosages, time intervals and route of administration including local anesthesia.

(2) A discharge entry shall be made by the dentist in the patient's record indicating the patient's condition upon discharge.

(f) A permit holder who uses anxiolysis/minimal sedation shall see that the patient's condition is visually monitored. The patient shall be monitored as to response to verbal stimulation, oral mucosal color and preoperative and postoperative vital signs.

(g) The dentist shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:

(1) Vital signs including blood pressure, pulse rate and respiratory rate are stable;

(2) The patient is alert and oriented to person, place and time as appropriate to age and preoperative neurological status;

(3) The patient can talk and respond coherently to verbal questioning or to preoperative neurological status;

(4) The patient can sit up unaided, or to preoperative neurological status;

(5) The patient can ambulate with minimal assistance or to preoperative neurological status; and

(6) The patient does not have uncontrollable nausea or vomiting and has minimal dizziness.

(h) A dentist may not release a patient who has undergone anxiety/analgesia/minimal sedation except to the care of a responsible adult third party.

§30-4A-6. Qualifications, standards and continuing education requirements for Class 3 anesthesia permit.

(a) The board shall issue or renew a Class 3 permit to an applicant who:

(1) Is a licensed dentist in West Virginia;

(2) Holds valid and current documentation showing successful completion of a Health Care Provider BLS/CPR course, ACLS and/or a PALS course if treating pediatric patients; and

(3) Satisfies one of the following criteria:

(A) Certificate of completion of a comprehensive training program in conscious sedation that satisfies the requirements described in the ADA Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students and the ADA Guidelines for the Use of Sedation and General Anesthesia by Dentists at the time training was commenced.

(B) Certificate of completion of an ADA-accredited postdoctoral training program which affords comprehensive and appropriate training necessary to administer and manage conscious sedation commensurate with these guidelines.

(C) In lieu of these requirements, the board may accept documented evidence of equivalent training or experience in conscious sedation anesthesia for Limited Enteral Permit as Class 3a or comprehensive parenteral permit as Class 3b as specified by rule.

(b) A dentist who induces conscious sedation shall have the following facilities, properly maintained age appropriate equipment and age appropriate medications available during the procedures and during recovery:

(1) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least two individuals to freely move about the patient;

(2) An operating table or chair which permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency and provide a firm platform for the administration of basic life support;

(3) A lighting system which permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;

(4) Suction equipment which permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure;

(5) An oxygen delivery system with adequate age appropriate full face mask and appropriate connectors that is capable of delivering high-flow oxygen to the patient under positive pressure, together with an adequate backup system;

(6) A nitrous oxide delivery system with a fail-safe mechanism that will ensure appropriate continuous oxygen delivery and a scavenger system;

(7) A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area can be the operating room;

(8) Sphygmomanometer, pulse oximeter, oral and nasopharyngeal airways, intravenous fluid administration equipment and/or equipment required for the standard of care or as specified by rule;

(9) Emergency drugs as specified by rule; and

(10) A defibrillator device.

(c) Before inducing conscious sedation, a dentist shall:

(1) Evaluate the patient and document, using the ASA Patient Physical Status Classifications, that the patient is an appropriate candidate for conscious sedation;

(2) Give written preoperative and postoperative instructions to the patient or, when appropriate due to age or neurological status of the patient, the patient's guardian; and

(3) Obtain written informed consent from the patient or patient's guardian for the anesthesia.

(d) The dentist shall ensure that the patient's condition is monitored and recorded on a contemporaneous record. The dentist shall use a qualified monitor to monitor and record the patient's condition in addition to the chair-side dental assistant. A qualified monitor shall be present to monitor the patient at all times.

(e) The patient shall be monitored as follows:

(1) Patients shall have continuous monitoring using pulse oximetry and/or equipment required for the standard of care or as specified by rule by a qualified monitor until discharge criteria have been met. The documented requirements of a qualified monitor

monitoring limited enteral or comprehensive parenteral sedations cases are as specified by rule. The patient's blood pressure, heart rate and respiration shall be recorded every five minutes and these recordings shall be documented in the patient record. The record shall also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration including local anesthesia. If the dentist is unable to obtain this information, the reasons shall be documented in the patient's record.

(2) During the recovery phase, the patient shall be monitored by a qualified monitor.

(3) A discharge entry shall be made by the dentist in the patient's record indicating the patient's condition upon discharge and the name of the responsible party to whom the patient was discharged.

(f) A dentist may not release a patient who has undergone conscious sedation/moderate sedation except to the care of a responsible adult third party.

(g) When discharging a pediatric patient the dentist shall follow the current edition of AAPD Guidelines for Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic Procedures.

(h) The dentist shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:

(1) Vital signs including blood pressure, pulse rate and respiratory rate are stable;

(2) The patient is alert and oriented to person, place and time as appropriate to age and preoperative neurological status;

(3) The patient can talk and respond coherently to verbal questioning or to preoperative neurological status;

(4) The patient can sit up unaided or to preoperative neurological status;

(5) The patient can ambulate with minimal assistance or to preoperative neurological status; and

(6) The patient does not have uncontrollable nausea or vomiting and has minimal dizziness.

(i) A dentist who induces conscious sedation shall employ the services of a qualified monitor and a chair-side dental assistant at all times who each shall hold a valid BLS/CPR certification and maintains certification as specified by rule.

§30-4A-7. Qualifications, standards and continuing education requirements for Class 4 anesthesia permit.

(a) A Class 4 permit permits the use of general anesthesia/deep conscious sedation, conscious sedation/moderate sedation and anxiolysis/minimal sedation.

(b) The board shall issue or renew a Class 4 permit to an applicant who:

(1) Is a licensed dentist in West Virginia;

(2) Holds a valid and current documentation showing successful completion of a Health Care Provider BLS/CPR course, Advanced Cardiac Life Support (ACLS) and/or Pediatric Advanced Life Support (PALS) course if treating pediatric patients;

(3) Satisfies one of the following criteria:

(A) Completion of an advanced training program in anesthesia and related subjects beyond the undergraduate dental curriculum that satisfies the requirements described in the ADA Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students

and the ADA Guidelines for the Use of Sedation and General Anesthesia by Dentists at the time training was commenced;

(B) Completion of an ADA- or AMA-accredited postdoctoral training program which affords comprehensive and appropriate training necessary to administer and manage general anesthesia, commensurate with these guidelines;

(C) In lieu of these requirements, the board may accept documented evidence of equivalent training or experience in general anesthesia/deep conscious sedation.

(c) A dentist who induces general anesthesia/deep conscious sedation shall have the following facilities, properly maintained age appropriate equipment and age appropriate drugs available during the procedure and during recovery:

(1) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least three individuals to freely move about the patient;

(2) An operating table or chair which permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency and provide a firm platform for the administration of basic life support;

(3) A lighting system which permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;

(4) Suction equipment which permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure;

(5) An oxygen delivery system with adequate age appropriate full face mask and appropriate connectors that is capable of delivering high-flow oxygen to the patient under positive pressure, together with an adequate backup system;

(6) A nitrous oxide delivery system with a fail-safe mechanism that will ensure appropriate continuous oxygen delivery and a scavenger system;

(7) A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area can be the operating room;

(8) Equipment as specified by rule;

(9) Emergency drugs as specified by rule;

(10) A defibrillator device.

(d) Before inducing general anesthesia/deep conscious sedation the dentist shall:

(1) Evaluate the patient and document, using the ASA Patient Physical Status Classifications, that the patient is an appropriate candidate for general anesthesia or deep conscious sedation;

(2) Shall give written preoperative and postoperative instructions to the patient or, when appropriate due to age or neurological status of the patient, the patient's guardian; and

(3) Shall obtain written informed consent from the patient or patient's guardian for the anesthesia.

(e) A dentist who induces general anesthesia/deep conscious sedation shall ensure that the patient's condition is monitored and recorded on a contemporaneous record. The dentist shall use a qualified monitor to monitor and record the patient's condition

on a contemporaneous record and a chair-side dental assistant. The documented requirements of a qualified monitor monitoring general anesthesia/deep conscious sedation cases are as specified by rule. No permit holder may have more than one patient under general anesthesia at the same time.

(f) The patient shall be monitored as follows:

(1) Patients shall have continuous monitoring using pulse oximetry and/or equipment required for the standard of care or as specified by rule by a qualified monitor until discharge criteria have been met. The patient's blood pressure, heart rate and oxygen saturation shall be assessed every five minutes and shall be contemporaneously documented in the patient record. The record shall also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration including local anesthesia. The person administering the anesthesia may not leave the patient while the patient is under general anesthesia;

(2) During the recovery phase, the patient shall be monitored, including the use of pulse oximetry, by a qualified monitor; and

(3) A dentist may not release a patient who has undergone general anesthesia/deep conscious sedation except to the care of a responsible adult third party.

(4) When discharging a pediatric patient the dentist shall follow the current edition of AAPD Guidelines for the Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic Procedures.

(g) The dentist shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:

(1) Vital signs including blood pressure, pulse rate and respiratory rate are stable;

(2) The patient is alert and oriented to person, place and time as appropriate to age and preoperative neurological status;

(3) The patient can talk and respond coherently to verbal questioning or to preoperative neurological status;

(4) The patient can sit up unaided or to preoperative neurological status;

(5) The patient can ambulate with minimal assistance or to preoperative neurological status; and

(6) The patient does not have uncontrollable nausea or vomiting and has minimal dizziness.

(7) A discharge entry shall be made in the patient's record by the dentist indicating the patient's condition upon discharge and the name of the responsible party to whom the patient was discharged.

(h) A dentist who induces general anesthesia shall employ the services of a qualified monitor and a chair-side dental assistant at all times, who each shall hold a valid BLS/CPR certification and maintains certification as specified by rule.

§30-4A-8. Board to review, inspect and reinspect dentists for issuance of permits.

(a) By making application to the board for an anesthesia permit, a dentist consents and authorizes the board to review his or her credentials, inspect or reinspect his or her facilities and investigate any alleged anesthesia mortalities, misadventure or other adverse occurrences. The board shall conduct an in-office review or on-site inspection of any dentist applying for or holding a permit to administer anesthesia.

Prior to issuing a permit, the board shall conduct an on-site inspection of facility, equipment and auxiliary personnel of the

applicant to determine if, in fact, all the requirements for the permit have been met. This inspection or evaluation, if required, shall be carried out by at least two members of the subcommittee. This evaluation is to be carried out in a manner following the principles, but not necessarily the procedures, set forth by the current edition of the AAOMS Office Anesthesia Evaluation Manual. On-site inspections are required and shall be performed for all Class 3a, 3b and 4 permittees. The board may reinspect annually, at its discretion, but shall perform an on-site inspection for all permit holders at least once every five years except Class 2 permit holders. The board reserves the right to conduct an on-site inspection whenever it deems necessary for all permit holders. All on-site inspections shall be held during regular business hours.

(b) Cancellation or failure to appear or be present for a scheduled evaluation by a permit holder, for an unexplained or unexcusable reason, shall be assessed a penalty fee two times the permit holders normal annual renewal fee. The penalty fee shall be separate from the annual renewal fees.

§30-4A-9. Office evaluations.

(a) The in-office evaluation shall include:

(1) Observation of one or more cases of anesthesia to determine the appropriateness of technique and adequacy of patient evaluation and care;

(2) Inspection of facilities, which shall include, but not be limited to, the inspection of equipment, drugs and patient records and qualified monitor's certifications and documentation; and

(3) The evaluation shall be performed by a team appointed by the board and shall include a member of the subcommittee who holds a current anesthesia permit in the same class or in a higher class than that held by the permit holder being evaluated;

(4) Class 2 permit holders may be audited periodically as determined by the committee; and

(5) Class 3 and 4 permit holders shall be evaluated once every five years.

(b) A dentist utilizing a licensed dentist who holds a current anesthesia permit issued by the board shall have his or her office inspected to the level of a Class 4 permit as specified by section twelve of this article. The office is only approved at that level when the anesthesia permit holder is present and shall have the number of qualified monitors present as required by this article.

(c) In addition to the requirements of this article a treating dentist who applies for a certificate to allow a CRNA to administer anesthesia and sedation to a patient shall maintain a permit as follows:

(1) A treating dentist who allows a CRNA to administer limited enteral sedation to a patient shall maintain a Class 3a permit for themselves and the administration site shall be inspected to a Class 4 permit level;

(2) A treating dentist who allows a CRNA to administer comprehensive parenteral sedation to a patient shall maintain a Class 3b permit for themselves and the administration site shall be inspected to a Class 4 permit level; and

(3) A treating dentist who allows a CRNA to administer general anesthesia/deep conscious sedation to a patient shall maintain a Class 4 permit for themselves and the administration site shall be inspected to a Class 4 permit level.

§30-4A-10. Reporting of death, serious complications or injury.

If a death, any serious complication or any injury occurs which may have resulted from the administration of general anesthesia/

deep conscious sedation, conscious sedation/moderate sedation, anxiolysis/minimal sedation or relative analgesia/minimal sedation, the licensee performing the dental procedure shall submit a written detailed report to the board within seventy-two hours of the incident along with copies of the patient's original complete dental records. If the anesthetic agent was administered by a person other than the person performing the dental procedure, that person shall also submit a detailed written report. The detailed report(s) shall include:

- (1) Name, age and address of patient;
- (2) Name of the licensee and other persons present during the incident along with their names and addresses;
- (3) Address where the incident took place;
- (4) Type of anesthesia and dosages of drugs administered to the patient including local anesthesia;
- (5) A narrative description of the incident including approximate times and evolution of symptoms; and
- (6) The anesthesia record and the signed informed consent form for the anesthesia.

§30-4A-11. Immunity from liability.

(a) Notwithstanding any other provision of law, no person providing information to the board or to the subcommittee may be held, by reason of having provided the information, to be civilly liable under any law unless the information was false and the person providing information knew or had reason to believe the such information was false.

(b) No member or employee of the board or the subcommittee may be held by reason of the performance by him or her of any

duty, function or activity authorized or required of the board or the subcommittee to be civilly liable. The foregoing provisions of this subsection do not apply with respect to any action taken by any individual if the individual, in taking the action, was motivated by malice toward any person affected by the action.

§30-4A-12. Facility inspections.

(a) The board shall perform an onsite evaluation of Class 3 and 4 applicants dental facilities, equipment, techniques and personnel prior to issuing a permit. The board may conduct further on-site evaluations.

(b) The board may inspect Class 2 applicants facilities.

§30-4A-13. Issuance of regular annual permits.

Upon the recommendation of the subcommittee, the board shall issue permits to applicable dentists. An anesthesia permit shall be renewed annually: *Provided*, That the permittee meets the requirements of this article and has not been subject to disciplinary action prohibiting issuance of the permit.

§30-4A-14. Waiting period for reapplication or reinspection of facilities.

A dentist whose application has been denied for failure to satisfy the requirements in the application procedure or the on-site evaluation shall wait thirty days from the date of the denial prior to reapplying and shall submit to another on-site evaluation prior to receiving a permit. The board and the subcommittee shall promptly reinspect the applicant dentist's facilities, techniques, equipment and personnel within ninety days after the applicant has made reapplication.

§30-4A-15. Application and annual renewal of regular permits; fees.

The board shall require an initial application fee and an annual renewal fee for Class 2, Class 3 and 4 permits. Permits expire annually. The board shall renew permits for the use of anesthesia after the permittee satisfies the application for renewal.

§30-4A-16. Violations of article; penalties for practicing anesthesia without a permit.

Violations of any of the provisions of this article, whether intentional or unintentional, may result in the revocation or suspension of the dentist's permit to administer anesthesia; multiple or repeated violations or gross infractions, such as practicing anesthesia without a valid permit may result in suspension of the dentist's license to practice dentistry for up to one year as well as other disciplinary measures as deemed appropriate by the board.

§30-4A-17. Appointment of subcommittee; credentials review; and on-site inspections.

(a) The board shall appoint a subcommittee to carry out the review and on-site inspection of any dentist applying for or renewing a permit under this article.

(b) The subcommittee shall make a recommendation for issuing or revoking a permit under this article.

(c) This subcommittee shall be known as the West Virginia Board of Dentistry Subcommittee on Anesthesia. The subcommittee shall, at a minimum, consist of one member of the board who shall act as chairman of the subcommittee and two members holding a Class 4 permit and two members holding a Class 3 permit.

(d) The subcommittee shall adopt policies and procedures related to the regulation of general anesthesia/deep conscious sedation, conscious sedation/moderate sedation, anxiolysis/minimal sedation and relative analgesia/minimal sedation with the same being approved by the board. The subcommittee members

shall be paid and reimbursed expenses pursuant to article one of this chapter.

ARTICLE 4B. DENTAL LABORATORY SERVICES.

§30-4B-1. Unlawful acts.

(a) It is unlawful for any person, other than a dentist or other dental practitioner, to sell, offer for sale or furnish any dental prosthesis or other dental laboratory service to any person who is not a dentist or other dental practitioner.

(b) It is unlawful for any person to perform dental laboratory services without a work authorization: *Provided*, That this subsection does not apply to a dentist or other dental practitioner, or to their employees working under their direct supervision, performing dental laboratory services as a part of their own dental practice and for their own dental patients.

(c) It is unlawful for any dental laboratory to perform any dental laboratory service without the issuance of a work authorization by a dentist or other dental practitioner.

(d) It is unlawful for any dental laboratory or dentist who fabricates a full upper or full lower set of prosthetic dentures not to affix upon the dentures, in a nonremovable manner, the name of the patient, the initials of the dentist's state of practice and license identification.

(e) It is unlawful for any dental laboratory either directly or indirectly:

(1) To advertise that it is engaged in the business of performing dental laboratory services;

(2) To advertise it performs dental laboratory services for members of the public;

(3) To advertise a price for the performance of dental laboratory services; or

(4) To advertise techniques used or materials employed by it in the performance of dental laboratory services: *Provided*, That this subsection does not prevent dental laboratories from advertising in dental journals or in other professional dental publications or from communicating directly to a dentist and other dental practitioner or from listing the dental laboratory in business and telephone directories if the business and telephone directory announcements are limited to name, address and telephone number and do not occupy more than the number of lines necessary to disclose the information, or from displaying the trade name and address of the dental laboratory on the door of its place of business or on name plates or door plates exhibited on the interior or exterior of the place of business.

§30-4B-2. Work authorization required; contents; retention.

(a) No dental laboratory technician may perform any dental laboratory service without the issuance of a work authorization by a dentist or other dental practitioner.

(b) Each work authorization shall contain:

(1) The name and address of the dental laboratory to which it is directed;

(2) The case identification;

(3) A specification of the materials to be used;

(4) A description of the work to be done and, if necessary, diagrams thereof;

(5) The date of issue; and

(6) The signature and address of the dentist or other dental practitioner issuing the work authorization.

(c) A separate work authorization shall be issued for each patient of the dentist or other dental practitioner for whom a dental laboratory service is to be performed.

(d) Every work authorization shall be made in duplicate with the original being delivered to the dental laboratory to which it is directed and the copy being retained in the office of the issuing dentist or other dental practitioner. A work authorization shall be saved for a period of two years from its date of issue.

§30-4B-3. Denture identification.

A dental laboratory or a dentist who engages in dental laboratory services and who fabricates any full upper or full lower set of prosthetic dentures shall affix upon the dentures, in a nonremovable manner, the name of the patient for whom the dentures are made and the initials of the dentist's state of practice and license identification number.

§30-4B-4. Review of dental laboratory services.

The board may review the dental laboratory services of a dental laboratory on a random and general basis without any requirement of a formal complaint or suspicion of impropriety.;

And,

That the Senate agree to the amendment of the House of Delegates to the title of the bill.

Respectfully submitted,

Bob Williams, *Chair*; Robert J. Fitzsimmons, William Cole,
Conferees on the part of the Senate.

Margaret Anne Staggers, *Chair*, Meshea L. Poore, Kelli Sobonya, *Conferees on the part of the House of Delegates*.

Senator Williams, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Williams, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill No. 580, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 580) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. Com. Sub. for House Bill No. 2585, Increasing the time to file a petition in response to notice of an increased assessment.

Whereupon, Senator Tucker, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill No. 2585, Increasing the time to file a petition in response to notice of an increased assessment.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill No. 2585 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 on page three, section fifteen-c, line thirty, and that both houses agree to an amendment as follows:

On page three, section fifteen-c, line thirty-five, after the word "section." by adding the following: For purposes of this section, "business day" means any day other than Saturday, Sunday or any legal holiday as set forth in section one, article two, chapter two of this code.;

And,

That both houses recede from their respective positions as to the amendment of the Senate on page four, section fifteen-d, line seven, and that both houses agree to an amendment as follows:

On page four, section fifteen-d, line seven, after the word "Commissioner." by inserting the following: For purposes of this section, "business day" means any day other than Saturday, Sunday or any legal holiday as set forth in section one, article two, chapter two of this code.;

And,

That the House of Delegates agree to the amendment of the Senate to the title of the bill.

Respectfully submitted,

Doug Skaff, Jr., *Chair*; Isaac Sponaugle, Bill Hamilton, *Conferees on the part of the House of Delegates*.

Gregory A. Tucker, *Chair*; Donald H. Cookman, Mitch Carmichael, *Conferees on the part of the Senate*.

On motions of Senator Tucker, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill No. 2585, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2585) passed with its Senate amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Senator Jenkins, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Senate Bill No. 108, Creating Unintentional Pharmaceutical Drug Overdose Fatality Review Team.

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 No. 108 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the House, striking out everything after the enacting clause, and agree to the same as follows:

That §48-25A-1, §48-25A-2 and §48-25A-3 of the Code of West Virginia, 1931, as amended, be repealed; that §48-27A-1, §48-27A-2 and §48-27A-3 of said code be repealed; that §49-5D-5 of said code be repealed; and that said code be amended by adding thereto a new article, designated §61-12A-1, §61-12A-2, §61-12A-3 and §61-12A4, all to read as follows:

ARTICLE 12A. FATALITY AND MORTALITY REVIEW TEAM.

§61-12A-1. Fatality and Mortality Review Team.

(a) The Fatality and Mortality Review Team is created under the Bureau for Public Health. The Fatality and Mortality Review Team is a multidisciplinary team created to oversee and coordinate the examination, review and assessment of:

(1) The deaths of all persons in West Virginia who die as a result of unintentional prescription or pharmaceutical drug overdoses;

(2) The deaths of children under the age of eighteen years;

(3) The deaths resulting from suspected domestic violence; and

(4) The deaths of all infants and all women who die during pregnancy, at the time of birth or within one year of the birth of a child.

(b) The Fatality and Mortality Review Team shall consist of the following members:

(1) The Chief Medical Examiner in the Bureau for Public Health, or his or her designee, who is to serve as the chairperson and who is responsible for calling and coordinating meetings of the Fatality and Mortality Review Team and meetings of any advisory panel created by the Fatality and Mortality Review Team;

(2) The Commissioner of the Bureau for Public Health, or his or her designee;

(3) The Superintendent of the West Virginia State Police, or his or her designee; and

(4) A prosecuting attorney, as appointed by the Governor, who shall serve for a term of three years unless otherwise reappointed to a second or subsequent term. A prosecuting attorney appointed to the team shall continue to serve until his or her term expires or until his or her successor has been appointed.

(c) Each member shall serve without additional compensation and may not be reimbursed for any expenses incurred in the discharge of his or her duties under the provisions of this article.

§61-12A-2. Responsibilities of the Fatality and Mortality Review Team and Advisory Panels.

(a) The Fatality and Mortality Review Team shall establish the following advisory panels to carry out the purposes of this article including:

(1) An unintentional pharmaceutical drug overdose fatality review panel to examine, analyze and review deaths resulting from unintentional prescription or pharmaceutical drug overdose;

(2) A child fatality review panel to examine, analyze and review deaths of children under the age of eighteen years;

(3) A domestic violence fatality review panel to examine, analyze and review deaths resulting from suspected domestic violence;

(4) An infant and maternal mortality review panel to examine, analyze and review the deaths of infants and women who die during pregnancy, at the time of birth or within one year of the birth of a child.

(b) The members of the Fatality and Mortality Review Team shall serve as members of each of the advisory panels established pursuant to this article.

(c) The Commissioner of the Bureau for Public Health, in consultation with the Fatality and Mortality Review Team, shall propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code that the advisory panels shall follow. Those rules shall include, at a minimum:

(1) The representatives that shall be included on each advisory panel;

(2) The responsibilities of each of the advisory panels, including, but not limited to, each advisory panel's responsibility to:

(A) Review and analyze all deaths as required by this article;

(B) Ascertain and document the trends, patterns and risk factors;
and

(C) Provide statistical information and analysis regarding the causes of certain fatalities;

(3) The standard procedures for the conduct of the advisory panels;

(4) The processes and protocols for the review and analysis of fatalities and mortalities of those who were not suffering from mortal diseases shortly before death;

(5) The processes and protocols to ensure confidentiality of records obtained by the advisory panel;

(6) That the advisory panels must submit a report to the Fatality and Mortality Review Team annually, the date the annual report must be submitted and the contents of the annual report;

(7) That the advisory panel may include any additional persons with expertise or knowledge in a particular field that it determines are needed in the review and consideration of a particular case as a result of a death in subsection (a), section one of this article;

(8) That the advisory panel may provide training for state agencies and local multidisciplinary teams on the matters examined, reviewed and analyzed by the advisory panel;

(9) The advisory panel's responsibility to promote public awareness on the matters examined, reviewed and analyzed by the advisory panel;

(10) Actions the advisory panel may not take or engage in including:

(A) Call witnesses or take testimony from individuals involved in the investigation of a fatality;

(B) Contact a family member of the deceased;

(C) Enforce any public health standard or criminal law or otherwise participate in any legal proceeding; or

(D) Otherwise take any action which, in the determination of a prosecuting attorney or his or her assistants, impairs the ability of the prosecuting attorney, his or her assistants or any law-enforcement officer to perform his or her statutory duties; and

(11) Other rules as may be deemed necessary to effectuate the purposes of this article.

(d) The Fatality and Mortality Review Team shall submit an annual report to the Governor and to the Legislative Oversight Commission on Health and Human Resources Accountability concerning its activities within the state and the activities of the advisory panels. The report is due annually on December 1. The report is to include statistical information concerning cases reviewed during the year, trends and patterns concerning these cases and the team's recommendations to reduce the number of fatalities and mortalities that occur in the state.

§61-12A-3. Access to information; other agencies of government required to cooperate.

(a) Notwithstanding any other provision of this code to the contrary, the Fatality and Mortality Review Team and the advisory panels established by the team pursuant to this article may request information and records as necessary to carry out its responsibilities. Records and information that may be requested under this section include:

(1) Medical, dental and mental health records;

(2) Substance abuse records to the extent allowed by federal law; and

(3) Information and records maintained by any state, county and local government agency, except as provided in subsection (c), section two of this article.

(b) State, county and local government agencies shall provide the Fatality and Mortality Review Team and the advisory panels established by the team with any information requested in writing by the team or by an advisory panel.

§61-12A-4. Confidentiality.

(a) Proceedings, records and opinions of the Fatality and Mortality Review Team and the advisory panels established by the team pursuant to this article are confidential and are not subject to discovery, subpoena or introduction into evidence in any civil or criminal proceeding. This section does not limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another credible source and entirely independent of the proceedings of the team or advisory panels.

(b) Members of the Fatality and Mortality Review Team and members of the advisory panels established by the team may not be questioned in any civil or criminal proceeding regarding information presented in or opinions formed as a result of a meeting of the team. This subsection does not prevent a member of the team or an advisory panel from testifying to information obtained independently of the team or advisory panel which is public information.

(c) Proceedings, records and opinions of the Fatality and Mortality Review Team and the advisory panels established by the team are exempt from disclosure under the Freedom of Information Act, as provided in chapter twenty-nine-b of this code.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

Eng. Senate Bill No. 108—A Bill to repeal §48-25A-1, §48-25A-2 and §48-25A-3 of the Code of West Virginia, 1931, as amended; to repeal §48-27A-1, §48-27A-2 and §48-27A-3 of said code; to repeal §49-5D-5 of said code; and to amend said code by adding thereto a new article, designated §61-12A-1, §61-12A-2, §61-12A-3 and §61-12A-4, all relating to creating a Fatality and Mortality Review Team; setting forth membership of the team; setting forth terms of office; providing that members of the team are not to be compensated or reimbursed expenses; setting forth responsibilities of the team; requiring team to establish certain advisory panels; providing that team members will also serve as advisory panel members; requiring the Commissioner of the Bureau for Public Health, in consultation with the team, to promulgate legislative rules; providing for certain actions the team and advisory panels may not take in exercising their duties; requiring an annual report; providing confidentiality; setting forth record-keeping requirements; authorizing access to certain records; and requiring certain agencies to cooperate with the team and advisory panels.

Respectfully submitted,

Evan H. Jenkins, *Chair*, Art Kirkendoll, Dave Sypolt, *Conferees on the part of the Senate*.

Don C. Perdue, *Chair*, David G. Perry, Joe Ellington, *Conferees on the part of the House of Delegates*.

On motions of Senator Jenkins, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Senate Bill No. 108, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 108) passed with its conference amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate again proceeded to the sixth order of business, which agenda includes the making of main motions.

On motion of Senator Cann, the Senate requested the return from the House of Delegates of

Eng. Com. Sub. for House Bill No. 2498, Making it a crime for a person sitting on a grand jury to disclose the identity of an individual who will be indicted.

Having been rejected by the Senate in earlier proceedings today; for the purpose of subsequently moving reconsideration of the vote thereon.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence as to the recall of Engrossed Committee Substitute for House Bill No. 2498.

On motion of Senator Unger, the Senate recessed until 9 p.m. tonight.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Unger, and by unanimous consent, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended with its Senate amended title, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. Com. Sub. for House Bill No. 2837, Amending various provisions of the Code affecting the Treasurer's Office.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the enacting section and substituting therefor a new enacting section, to read as follows:

That §12-1-12c of the Code of West Virginia, 1931, as amended, be repealed; that §12-6B-1, §12-6B-2, §12-6B-3 and §12-6B-4 of said code be repealed; that §5-10B-13 of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §5-10B-14; that §12-1-3, §12-1-8 and §12-1-11 of said code be amended and reenacted; that §12-2-2 and §12-2-3 of said code be amended and reenacted; that §12-3A-3 of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §12-4-17; that §12-5-4 of said

code be amended and reenacted; that §12-6A-1, §12-6A-2, §12-6A-3, §12-6A-4, §12-6A-5, §12-6A-6 and §12-6A-7 of said code be amended and reenacted; that §12-6C-7 and §12-6C-9 of said code be amended and reenacted; that §33-3-14d of said code be amended and reenacted; and that §36-8-13 of said code be amended and reenacted, all to read as follows:.

On motion of Senator Unger, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill No. 2837, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2837) passed with its Senate amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Following a point of inquiry to the President, with resultant response thereto,

On motion of Senator Unger, the Senate recessed for five minutes to permit Andrew Kirkner to address the Senate on behalf

of the Rollins-Burk Internship Program and Lane Horter on behalf of the Legislative Information Journalism Internship Program.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Yost, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced that that body had acceded to the return of

Eng. Com. Sub. for House Bill No. 2498, Making it a crime for a person sitting on a grand jury to disclose the identity of an individual who will be indicted.

The bill now being in the possession of the Senate,

On motion of Senator Cann, the Senate reconsidered the vote by which in earlier proceedings today it rejected the bill.

The vote thereon having been reconsidered,

On motion of Senator Cann, the Senate reconsidered its action by which on yesterday, Friday, April 12, 2013, it adopted the Judiciary committee amendment to the bill (*shown in the Senate Journal of that day, page 1760*).

The question again being on the adoption of the Judiciary committee amendment to the bill.

Thereafter, at the request of Senator Palumbo, as chair of the Committee on the Judiciary, and by unanimous consent, the Judiciary committee amendment to the bill was withdrawn.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 2498) was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill No. 2498 pass?”

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—31.

The nays were: Chafin, Green and D. Hall—3.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2498) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the fourth order of business.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Com. Sub. for House Concurrent Resolution No. 7, The “County Sheriff Sgt. Michael Todd May Memorial Bridge”.

Com. Sub. for House Concurrent Resolution No. 8, The “U.S. Army S/Sgt. E. J. A. Maynard Memorial Bridge.”

Com. Sub. for House Concurrent Resolution No. 9, The “Garry Lee Burgess Memorial Bridge”.

Com. Sub. for House Concurrent Resolution No. 10, The “Staff Sergeant Lesley Wayne Reed US Army Memorial Bridge.”

Com. Sub. for House Concurrent Resolution No. 17, The “State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Interchange”.

House Concurrent Resolution No. 18, The “Cpl. Sherald P. Brady, U.S. Army Memorial Bridge”.

Com. Sub. for House Concurrent Resolution No. 19, The “Corporal Ronald Lee Kesling USMC Memorial Bridge”.

House Concurrent Resolution No. 20, The “Army Corporal Rex Marcel Sherman Memorial Bridge”.

House Concurrent Resolution No. 21, The “Upshur Civil War Company ‘C’ Militia Memorial Highway”.

House Concurrent Resolution No. 24, The “Rex Lane Mullins Memorial Bridge”.

Com. Sub. for House Concurrent Resolution No. 25, The “U.S. Army CPL Fred Russell Memorial Bridge”.

House Concurrent Resolution No. 26, The “Army Corporal Richard D. McGhee Memorial Triangle”.

Com. Sub. for House Concurrent Resolution No. 28, The “Mud River Pound Punchers Highway”.

Com. Sub. for House Concurrent Resolution No. 29, The “Army Specialist-5 James R. Justice Memorial Bridge”.

House Concurrent Resolution No. 30, The “Army Sergeant Thomas Lawrence Dunithan Memorial Highway”.

Com. Sub. for House Concurrent Resolution No. 35, The “Charles Eugene Kessel Memorial Bridge”.

Com. Sub. for House Concurrent Resolution No. 36, The “U.S. Army Private First Class Oscar Harper, Sr. Memorial Bridge”.

Com. Sub. for House Concurrent Resolution No. 38, The “James Darrell Mangrum Memorial Bridge”.

House Concurrent Resolution No. 40, The “Estel R. Stacy World War II Navy Veteran Memorial Bridge”.

House Concurrent Resolution No. 45, The “Army PFC French E. Marsh Memorial Bridge”.

House Concurrent Resolution No. 46, The “Martha Ellen Taylor & Sons Memorial Bridge”.

House Concurrent Resolution No. 48, The “Albert & Peggie Maynard Memorial Bridge”.

Com. Sub. for House Concurrent Resolution No. 49, The “Larry W. Border Memorial Bridge”.

Com. Sub. for House Concurrent Resolution No. 55, The “Trooper Brian William Linn Memorial Bridge”.

Com. Sub. for House Concurrent Resolution No. 56, The “John Edgar Saville Memorial Bridge”.

Com. Sub. for House Concurrent Resolution No. 57, The “Fire Chief Lyle Ware Memorial Bridge”.

House Concurrent Resolution No. 58, The “Marine Lance Corporal Michael Steven Garrett Memorial Bridge”.

House Concurrent Resolution No. 59, The “Corporal Gerry Glen Simpson Memorial Bridge, United States Army”.

House Concurrent Resolution No. 62, The “Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge”.

House Concurrent Resolution No. 63, The “US Army SFC James Edward Duncan Memorial Bridge”.

House Concurrent Resolution No. 74, The “USMC LCpl. David Lee Powell Memorial Bridge”.

House Concurrent Resolution No. 75, The “USN S2C Jack Wade and USMC PFC Don Wade Memorial Bridge”.

House Concurrent Resolution No. 78, The “Louis J. ‘Zeke’ Trupo Bridge”.

House Concurrent Resolution No. 79, The “Joe Curtis (Joey) Dingess Memorial Bridge”.

Com. Sub. for House Concurrent Resolution No. 81, The “Brigadier General Timothy C. Barrick Memorial Bridge”.

House Concurrent Resolution No. 89, The “Navy AD3 Jack Lively Memorial Bridge”.

House Concurrent Resolution No. 91, The “Platoon Sgt. Clifford Tomblin Highway, United States Army”.

House Concurrent Resolution No. 92, The “Army Corporal Randell Maynard Bridge”.

House Concurrent Resolution No. 108, The “Army Specialist Fourth Class Tommy Joe Belcher Memorial Bridge”.

House Concurrent Resolution No. 110, The “Boyd Leon Parsons Memorial Bridge”.

House Concurrent Resolution No. 112, The “Army Command Sergeant Major Wade Damron Memorial Bridge”.

House Concurrent Resolution No. 118, The “U.S. Marine Corps PFC Daniel L. Edwards Memorial Bridge”.

House Concurrent Resolution No. 125, The “Army Sergeant Richard Bowry Memorial Bridge”.

House Concurrent Resolution No. 126, The “John Jacob Fry II Memorial Highway”.

And,

House Concurrent Resolution No. 133, The “James T. And Paul T. Billups Bridge”.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Unger, unanimous consent being granted, the resolutions (Com. Sub. for H. C. R. No. 7, Com. Sub. for H. C. R. No. 8, Com. Sub. for H. C. R. No. 9, Com. Sub. for H. C. R. No. 10, Com. Sub. for H. C. R. No. 17, H. C. R. No. 18, Com. Sub. for H. C. R. No. 19, H. C. R. No. 20, H. C. R. No. 21, H. C. R. No. 24, Com. Sub. for H. C. R. No. 25, H. C. R. No. 26, Com. Sub. for H. C. R. No. 28, Com. Sub. for H. C. R. No. 29, H. C. R. No. 30, Com. Sub. for H. C. R. No. 35, Com. Sub. for H. C. R. No. 36, Com. Sub. for H. C. R. No. 38, H. C. R. No. 40, H. C. R. No. 45, H. C. R. No. 46, H. C. R. No. 48, Com. Sub. for H. C. R. No. 49, Com. Sub. for H. C. R. No. 55, Com. Sub. for H. C. R. No. 56, Com. Sub. for H. C. R. No. 57, H. C. R. No. 58, H. C. R. No. 59, H. C. R. No. 62,

H. C. R. No. 63, H. C. R. No. 74, H. C. R. No. 75, H. C. R. No. 78, H. C. R. No. 79, Com. Sub. for H. C. R. No. 81, H. C. R. No. 89, H. C. R. No. 91, H. C. R. No. 92, H. C. R. No. 108, H. C. R. No. 110, H. C. R. No. 112, H. C. R. No. 118, H. C. R. No. 125, H. C. R. No. 126 and H. C. R. No. 133) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Com. Sub. for House Concurrent Resolution No. 106, The “O. Winston Link Trail”.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 120, The “1st Sergeant Walter Criss Bridge, United States Army”.

And has amended same.

And,

Com. Sub. for House Concurrent Resolution No. 121, The “LSC (SS) Andrew Scott Mollohan Memorial Bridge”.

And has amended same.

And reports the same back with the recommendation that they each be adopted, as amended.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Kirkendoll, unanimous consent being granted, Committee Substitute for House Concurrent Resolution No. 106 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendment to the resolution, from the Committee on Transportation and Infrastructure, was reported by the Clerk and adopted:

On page two, in the seventeenth Whereas clause, by striking out the word “mashalling” and inserting in lieu thereof the word “marshalling”.

The question now being on the adoption of the resolution (Com. Sub. for H. C. R. No. 106), as amended, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Kirkendoll, unanimous consent being granted, Committee Substitute for House Concurrent Resolution No. 120 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendment to the resolution, from the Committee on Transportation and Infrastructure, was reported by the Clerk and adopted:

On page two, in the seventh Whereas clause, after the word “part” by inserting the word “of”.

The question now being on the adoption of the resolution (Com. Sub. for H. C. R. No. 120), as amended, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Kirkendoll, unanimous consent being granted, Committee Substitute for House Concurrent Resolution No. 121 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page one, in the first Whereas clause, by striking out “LSC (SS)”;

On page one, in the second Whereas clause, after the word “WHEREAS,” by striking out “LSC (SS)”;

On page one, in the second Whereas clause, after the word “Navy,” by striking out “LSC (SS)”;

On page one, in the third Whereas clause, by striking out “LSC (SS)”;

On page two, in the fourth Whereas clause, by striking out “LSC (SS)”;

On page two, in the Resolved clause, by striking out “LSC (SS)” and inserting in lieu thereof the words “Chief Petty Officer”;

On page two, in the first Further Resolved clause, by striking out “LSC (SS)” and inserting in lieu thereof the words “Chief Petty Officer”;

On page two, in the second Further Resolved clause, by striking out “LSC (SS)” and inserting in lieu thereof the words “Chief Petty Officer”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Com. Sub. for House Concurrent Resolution No. 121—Requesting that bridge number 54-68-23.53 on Routes 2 and 68, known as the I-77 overpass in Wood County, West Virginia, be named the “U.S. Navy Chief Petty Officer Andrew Scott Mollohan Memorial Bridge”.

The question now being on the adoption of the resolution (Com. Sub. for H. C. R. No. 121), as amended, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Com. Sub. for House Concurrent Resolution No. 102, The “Michael A. Oliverio, Sr. Interchange”.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

The Senate again proceeded to the fifth order of business.

Senator Jenkins, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for Senate Bill No. 265, Authorizing DHHR promulgate legislative rules.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Committee Substitute for Senate Bill No. 265 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the House, striking out everything after the enacting section, and to agree to the same as follows:

**ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF
HEALTH AND HUMAN RESOURCES TO
PROMULGATE LEGISLATIVE RULES.**

§64-5-1. Bureau for Public Health.

(a) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section four, article one, chapter sixteen of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 10, 2013, relating to the Department of Health and

Human Resources (reportable diseases, events and conditions, 64 CSR 7), is authorized with the following amendments:

On page twenty-four, subsection 9.1, by striking out the words “the reporting” and inserting in lieu thereof the words “the access”;

On page twenty-five, subsection 9.2, by striking out the words “be reported” and inserting in lieu thereof the words “be made available”;

On page twenty-five, subsection 9.2, by striking out the words “the reporting” and inserting in lieu thereof the words “the access”;

On page twenty-five, subsection 9.2, after the word “activities” by inserting the following: “consistent with the mission of the bureau. The responsibility for communication with healthcare facilities regarding data collection, data quality and completeness rests with the Office of Epidemiology and Prevention Services within the Bureau for Public Health”;

And,

On page twenty-five, by striking out all of subsection 9.3. and renumbering the remaining subsection.

(b) The legislative rule filed in the State Register on June 29, 2012, authorized under the authority of section four, article one, chapter sixteen of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 15, 2012, relating to the Department of Health and Human Resources (general sanitation, 64 CSR 18), is authorized with the following amendment:

On page three, subdivision 2.13, by removing the period and inserting the following: “Bed and Breakfast Inn.”

(c) The legislative rule filed in the State Register on August 27, 2012, authorized under the authority of section five, article seven, chapter sixteen of this code, relating to the Department of Health and Human Resources (Grade A pasturized milk, 64 CSR 34), is authorized.

(d) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section one, article eleven, chapter sixteen of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 10, 2013, relating to the Department of Health and Human Resources (fees for services, 64 CSR 51), is authorized with the following amendment:

On page eleven, subdivision 9.7, after the word “emergency” by inserting a period and removing the underscored words “or as a relevant factor associated with the provision of services and may include but is not limited to, supply shortages, federal or other funding restrictions of policy changes impacting the ability to provide services”.

(e) The legislative rule filed in the State Register on October 11, 2012, authorized under the authority of section four, article one, chapter sixteen of this code, relating to the Department of Health and Human Resources (regulation of opioid treatment programs, 64 CSR 90), is repealed.

(f) The legislative rule filed in the State Register on August 27, 2012, authorized under the authority of section four, article one, chapter sixteen of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 10, 2013, relating to the Department of Health and Human Resources (pulse oximetry newborn testing, 64 CSR 100), is authorized with the following amendment:

On page two, subdivision 5.3, by striking out the words “the closest” and inserting in lieu thereof the word “an”.

§64-5-2. Department of Health and Human Resources.

(a) The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section one, article eleven, chapter sixteen of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on February 5, 2013, relating to the Department of Health and Human Resources (regulation of opioid treatment programs, 69 CSR 7), is authorized with the following amendments:

On page fourteen, by striking section 7.3 and inserting a new section 7.3, to read as follows:

“7.3. License Fees and Inspection Costs.

7.3.a. All applications for an initial or renewed license shall be accompanied by a non-refundable license fee in the amount required by this rule. The annual renewal fee is based upon the average daily total census of the program. In addition to the set fee, the annual renewal fee shall be adjusted on the first day of June of each year to correspond with increases in the consumer price index. The base amounts for initial and renewal fees are as follows:

7.3.a.1. Initial license fee - \$250;

7.3.a.2. Renewal fee - fewer than 500 patients - \$500 plus adjustment;

7.3.a.3. Renewal fee - 500 to 1,000 patients - \$1,000 plus adjustment;

7.3.a.4. Renewal fee - more than 1,000 patients - \$1,500 plus adjustment.

7.3.b. An opioid treatment program shall pay for the cost of the initial inspection made by the secretary prior to issuing a license. The cost of the initial inspection is \$400, and shall be billed to the applicant by the secretary within five business days after the inspection. The cost of the initial inspection must be paid in full by the applicant before a license may be issued.

7.3c. The Office of Health Facility Licensure and Certification shall use the fee for increased oversight on opioid treatment programs.”;

On page thirty-two, by inserting a new subdivision 18.3.j, to read as follows:

“18.3.j. There shall be one (1) counselor for every fifty (50) clients in the program.”;

On page fifty-three, by striking out section 30.8 and inserting a new section 30.8, to read as follows:

“30.8. Each opioid treatment program must provide counseling on preventing exposure to, and the transmission of, human immunodeficiency virus (HIV) disease and Hepatitis C disease for each patient admitted or re-admitted to maintenance or detoxification treatment. Services rendered to patients with HIV disease shall comply with the requirements of section 44 of this rule.”;

On page fifty-four, by striking out subdivision 31.4.a and inserting a new subdivision 31.4.a, to read as follows:

“31.4.a. Preventing exposure to, and the transmission of, HIV disease and Hepatitis C disease for each patient admitted or readmitted to maintenance or detoxification treatment; and”;

On page fifty-six, by striking out subdivision 32.2.a and inserting a new subdivision 32.2.a, to read as follows:

“32.2.a. The initial post-admission assessment shall consist of a comprehensive medical evaluation, which shall include, but not be limited to:

32.2.a.1. A comprehensive physical evaluation;

32.2.a.2. A comprehensive psychiatric evaluation, including mental status examination and psychiatric history;

32.2.a.3. A personal and family medical history;

32.2.a.4. A comprehensive history of substance abuse, both personal and family;

32.2.a.5. A tuberculosis skin test and chest X-ray, if skin test is positive;

32.2.a.6. A screening test for syphilis;

32.2.a.7. A Hepatitis C test;

32.2.a.8. An HIV test to the extent voluntarily elected by the patient; and

32.2.a.9. Other tests as necessary or appropriate (e.g., CBC, EKG, chest X-ray, pap smear, hepatitis B surface antigen and hepatitis B antibody testing).”;

On page seventy, by striking out section 37.14 and inserting a new section 37.14, to read as follows:

“37.14. The state authority may approve exceptional unsupervised-medication dosages, including alternative medications, on a case-by-case basis upon application for an exemption by the program physician. Any authorization for exceptions shall be consistent with guidelines and protocols of approved authorities, provided that the authority may not grant any exceptions during a calendar

month which exceed three (3) exceptions or ten (10) percent of the number of patients enrolled in the program on the last day of the previous month, whichever is greater: Provided, That the state authority may grant additional exceptions for inclement weather or clinic closure.”;

On page seventy-three, by inserting a new subdivision 38.14, to read as follows:

“38.14. Maintenance treatment shall be discontinued within two (2) continuous years after the treatment is begun unless, based upon the clinical judgment of the medical director or program physician and staff which shall be recorded in the client’s record by the medical director or program physician, the client’s status indicates that the treatment should be continued for a longer period of time because discontinuance from treatment would lead to a return to (i) illicit opiate abuse or dependence, or (ii) increased psychiatric, behavioral or medical symptomology.”;

On page seventy-five, by striking out subdivision 41.2.d.3 and inserting a new subdivision 41.2.d.3, to read as follows:

“41.2.d.3. When using urine as a screening mechanism, all patient drug testing shall be observed to minimize the chance of adulterating or substituting another individual’s urine.”;

And,

On page eighty-one, by striking out subdivision 44.5.d.1. and inserting a new subdivision 44.5.d.1, to read as follows:

“44.5.d.1. Maintenance treatment dosage levels of pregnant clients shall be maintained at the lowest possible dosage level that is a medically appropriate therapeutic dose as determined by the medical director or clinic physician taking the pregnancy into account.”

(b) The legislative rule filed in the State Register on January 7, 2013, authorized under the authority of section nine, article five-h, chapter sixteen of this code, relating to the Department of Health and Human Resources (chronic pain management clinic licensure, 69 CSR 8), is authorized with the following amendments:

On page one, subsection 1.4, line eleven, following the number “2013.” by inserting the following words:

“This rule is effective upon the date specified in an emergency rule promulgated by the Department of Health and Human Resources as being the date funding for implementation of Chronic Pain Management Clinic Licensure will become available pursuant to a duly enacted appropriation bill authorizing the expenditure of funds for that purpose.”;

On page four, subsection 3.1, by striking out all of subdivisions 3.1.a., 3.1.b, 3.1.c and 3.1.d and inserting in lieu thereof the following:

3.1.a. The primary component of the medical practice of the clinic, facility or office is treatment of chronic pain for nonmalignant conditions;

3.1.b. More than fifty percent of patients in any one month of the prescribers are provided treatment for chronic pain for nonmalignant conditions and are prescribed, administered or dispensed tramadol, carisoprodol, opioid drug products or other Schedule II or Schedule III controlled substances for such diagnosis;

3.1.c. The calculation of more than fifty percent of patients will be calculated by dividing the number of unique patient encounters at the clinic, facility or office during any one month for a diagnosis of chronic nonmalignant pain and pursuant to such diagnosis of chronic nonmalignant pain were prescribed, administered or dispensed tramadol, carisoprodol, opioid drugs or other Scheduled

II or Scheduled III controlled substances by the total number of all patient encounters at the clinic, facility or office during any month; and

3.1.d. Patients receiving tramadol, carisoprodol, opioid drug products or other Schedule II or Schedule III controlled substances for treatment of an injury or illness that lasts or is expected to last thirty days or less shall not be included in the calculation of more than fifty percent of all patients.” and renumbering the remaining subdivisions;

On page five, by inserting a new paragraph, 3.2.i.2, to read as follows:

“3.2.i.2. Medical practices, clinics or offices in which a physician treats an average of 20 or fewer patients a day with any diagnosis in any one month, and in which the physician holds a Competency Certification in Controlled Substances Management.”;

And,

On page thirteen, subparagraph 6.5.b.2.B, after the words “Osteopathic Specialist;” by inserting the words “hold Competency Certification in Controlled Substances Management;”.

(c) The legislative rule filed in the State Register on August 30, 2012, authorized under the authority of section four, article two-b, chapter forty-nine of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 15, 2013, relating to the Department of Health and Human Resources (minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults in West Virginia, 78 CSR 3), is authorized with the following amendment:

On page fifty-two, paragraph 11.2.a.3, line five, by striking out the word “Training” and inserting the word “Certification”.

§64-5-3. Health Care Authority.

The legislative rule filed in the State Register on May 14, 2012, authorized under the authority of section seven, article twenty-nine-g, chapter sixteen of this code, modified by the Health Care Authority to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on July 19, 2012, relating to the Health Care Authority to promulgate a legislative rule relating to (West Virginia Health Information Network, 65 CSR 28), is authorized.

§64-5-4. Bureau of Senior Services.

The legislative rule filed in the State Register on August 31, 2012, authorized under the authority of section fifteen, article five-p, chapter sixteen of this code, modified by the Bureau of Senior Services to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 17, 2013, relating to the Bureau of Senior Services (in-home care worker registry, 76 CSR 2), is authorized with the following amendment:

On page two, subdivision 4.1(i), by striking the word “training” and inserting the word “certification”;

And,

That the Senate agree to the House amended title.

Respectfully submitted,

Evan H. Jenkins, *Chair*; Donald H. Cookman, William Cole,
Conferees on the part of the Senate.

Meshea L. Poore, *Chair*; Barbara Evans Fleischauer, Kelli Sobonya,
Conferees on the part of the House of Delegates.

On motions of Senator Jenkins, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill No. 265, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 265) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 265) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senator Snyder, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for Senate Bill No. 435, Continuing Municipal Home Rule Pilot Program.

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. 435 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 amendment of the House, striking out everything after the enacting section, and agree to the same as follows:

**ARTICLE 1. PURPOSE AND SHORT TITLE; DEFINITIONS;
GENERAL PROVISIONS; CONSTRUCTION.**

§8-1-5a. Municipal Home Rule Pilot Program.

(a) *Legislative findings.* – The Legislature finds and declares that:

(1) The initial Municipal Home Rule Pilot Program brought innovative results, including novel municipal ideas that became municipal ordinances which later resulted in new statewide statutes;

(2) The initial Municipal Home Rule Pilot Program also brought novel municipal ideas that resulted in court challenges against some of the participating municipalities;

(3) The Municipal Home Rule Board was an essential part of the initial Municipal Home Rule Pilot Program but it lacked some needed powers and duties;

(4) Municipalities still face challenges delivering services required by federal and state law or demanded by their constituents;

(5) Municipalities are sometimes restrained by state statutes, policies and rules that challenge their ability to carry out their duties and responsibilities in a cost-effective, efficient and timely manner;

(6) Continuing the Municipal Home Rule Pilot Program is in the public interest; and

(7) Increasing the powers and duties of the Municipal Home Rule Board will enhance the Municipal Home Rule Pilot Program.

(b) *Continuance of pilot program.* – The Municipal Home Rule Pilot Program is continued until July 1, 2019. The ordinances enacted by the four participating municipalities pursuant to the initial Municipal Home Rule Pilot Program are hereby authorized and may remain in effect until the ordinances are repealed, but are null and void if amended and such amendment is not approved by the Municipal Home Rule Board: Provided, That any ordinance enacting a municipal occupation tax is hereby null and void.

(c) *Authorizing participation.* –

(1) Commencing July 1, 2013, twenty Class I, Class II, Class III and/or Class IV municipalities that are current in payment of all state fees may participate in the Municipal Home Rule Pilot Program pursuant to the provisions of this section.

(2) The four municipalities participating in the pilot program on July 1, 2012, are hereby authorized to continue in the pilot program and may amend current written plans and/or submit new written plans in accordance with the provisions of this section.

(3) If any of the four municipalities participating in the pilot program on July 1, 2012, do not want to participate in the pilot program, then on or before June 1, 2014, the municipality must submit a written letter to the board indicating the municipality's intent not to participate and the board may choose another municipality to fill the vacancy: *Provided*, That if a municipality chooses not to participate further in the pilot program, its ordinances enacted pursuant to the Municipal Home Rule Pilot Program are hereby authorized and may remain in effect until the ordinances are repealed but are null and void if amended: *Provided, however*; That any ordinance enacting a municipal occupation tax is null and void.

(d) *Municipal Home Rule Board.* – The Municipal Home Rule Board is hereby continued. The board members serving on the board on July 1, 2012, may continue to serve, except that the chair of the Senate Committee on Government Organization and the chair of the House Committee on Government Organization shall be ex officio nonvoting members. Effective July 1, 2013, the Municipal Home Rule Board shall consist of the following five voting members:

- (1) The Governor, or a designee, who shall serve as chair;
- (2) The Executive Director of the West Virginia Development Office or a designee;
- (3) One member representing the Business and Industry Council, appointed by the Governor with the advice and consent of the Senate;
- (4) One member representing the largest labor organization in the state, appointed by the Governor with the advice and consent of the Senate; and
- (5) One member representing the West Virginia Chapter of American Institute of Certified Planners, appointed by the Governor with the advice and consent of the Senate.

(e) *Board's powers and duties.* – The Municipal Home Rule Board has the following powers and duties:

(1) Review, evaluate, make recommendations and approve or reject, by a majority vote of the board, each aspect of the written plan submitted by a municipality;

(2) By a majority vote of the board, select, based on the municipality's written plan, new Class I, Class II, Class III and/or Class IV municipalities to participate in the Municipal Home Rule Pilot Program;

(3) Review, evaluate, make recommendations and approve or reject, by a majority vote of the board, the amendments to the written plans submitted by municipalities;

(4) Approve or reject, by a majority vote of the board, each ordinance submitted by a participating municipality pursuant to its written plan or its amendments to the written plan;

(5) Consult with any agency affected by the written plans or the amendments to the written plans; and

(6) Perform any other powers or duties necessary to effectuate the provisions of this section.

(f) *Written plan.* – On or before June 1, 2014, a Class I, Class II, Class III or Class IV municipality desiring to participate in the Municipal Home Rule Pilot Program shall submit a written plan to the board stating in detail the following:

(1) The specific laws, acts, resolutions, policies, rules or regulations which prevent the municipality from carrying out its duties in the most cost-efficient, effective and timely manner;

(2) The problems created by the laws, acts, resolutions, policies, rules or regulations;

(3) The proposed solutions to the problems, including all proposed changes to ordinances, acts, resolutions, rules and regulations: *Provided*, That the specific municipal ordinance instituting the solution does not have to be included in the written plan; and

(4) A written opinion, by an attorney licensed to practice in West Virginia, stating that the proposed written plan does not violate the provisions of this section.

(g) *Public hearing on written plan.* – Prior to submitting its written plan to the board, the municipality shall:

(1) Hold a public hearing on the written plan;

(2) Provide notice at least thirty days prior to the public hearing by a Class II legal advertisement;

(3) Make a copy of the written plan available for public inspection at least thirty days prior to the public hearing; and

(4) After the public hearing, adopt an ordinance authorizing the municipality to submit a written plan to the Municipal Home Rule Board after the proposed ordinance has been read two times.

(h) *Selection of municipalities.* – On or after June 1, 2014, by a majority vote, the Municipal Home Rule Board may select from the municipalities that submitted written plans and were approved by the board by majority vote, new Class I, Class II, Class III and/or Class IV municipalities to participate in the Municipal Home Rule Pilot Program.

(i) *Ordinance, act, resolution, rule or regulation.* – After being selected to participate in the Municipal Home Rule Pilot Program and prior to enacting an ordinance, act, resolution, rule or regulation based on the written plan, the municipality shall:

(1) Hold a public hearing on the proposed ordinance, act, resolution, rule or regulation;

(2) Provide notice at least thirty days prior to the public hearing by a Class II legal advertisement;

(3) Make a copy of the proposed ordinance, act, resolution, rule or regulation available for public inspection at least thirty days prior to the public hearing;

(4) After the public hearing, submit the comments, either in audio or written form, to the Municipal Home Rule Board;

(5) Obtain approval, from the Municipal Home Rule Board by a majority vote, for the proposed ordinance, act, resolution, rule or regulation; and

(6) After obtaining approval from the Municipal Home Rule Board, read the proposed ordinance, act, resolution, rule or regulation at least two times.

(j) *Powers and duties of Municipalities.* – The municipalities participating in the Municipal Home Rule Pilot Program have the authority to pass an ordinance, act, resolution, rule or regulation, under the provisions of this section, that is not contrary to:

(1) Environmental law;

(2) Bidding on government construction and other contracts;

(3) The Freedom of Information Act;

(4) The Open Governmental Proceedings Act;

(5) Wages for construction of public improvements;

(6) The provisions of this section; and

(7) The municipality's written plan.

(k) *Prohibited acts.* – The municipalities participating in the Municipal Home Rule Pilot Program do not have the authority to pass an ordinance, act, resolution, rule or regulation, under the provisions of this section, pertaining to:

(1) The constitutions of the United States or West Virginia;

(2) Federal law or crimes and punishment;

(3) Chapters sixty-a, sixty-one and sixty-two of this code or state crimes and punishment;

(4) Pensions or retirement plans;

(5) Annexation;

(6) Taxation: *Provided*, That a participating municipality may enact a municipal sales tax up to one percent if it reduces or eliminates its municipal business and occupation tax: *Provided, however*, That if a municipality subsequently reinstates or raises the municipal business and occupation tax it previously reduced or eliminated under the Municipal Home Rule Pilot Program, it shall eliminate the municipal sales tax enacted under the Municipal Home Rule Pilot Program: *Provided further*, That any municipality that imposes a municipal sales tax pursuant to this section shall use the services of the Tax Commissioner to administer, enforce and collect the tax in the same manner as the state consumers sales and service tax and use tax under the provisions of articles fifteen, fifteen-a and fifteen-b, chapter eleven of this code and all applicable provisions of the streamlined sales and use tax agreement: *And provided further*, That such tax will not apply to the sale of motor fuel or motor vehicles;

(7) Tax increment financing;

(8) Extraction of natural resources;

(9) Persons or property outside the boundaries of the municipality: *Provided*, That this prohibition under the Municipal Home Rule Pilot Program does not affect a municipality's powers outside its boundary lines under other sections of this chapter, other chapters of this code or court decisions;

(10) Marriage and divorce laws;

(11) Restricting the carrying of a firearm, as that term is defined in section two, article seven, chapter sixty-one of this code: *Provided*, That, notwithstanding the provisions of subsection (p) of this section, municipalities may regulate the carrying of a firearm in municipal buildings dedicated to government operations, other than parking buildings or garages: *Provided, however*, That on other municipal property, municipalities may regulate only those persons not licensed to carry a concealed firearm; and

(12) An occupation tax, fee or assessment payable by a nonresident of a municipality.

(l) *Amendments to written plans.* – A municipality selected to participate in the Municipal Home Rule Pilot Program may amend its written plan at any time.

(m) *Reporting requirements.* – Commencing December 1, 2015, and each year thereafter, each participating municipality shall give a progress report to the Municipal Home Rule Board and commencing January 1, 2016, and each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.

(n) *Performance Evaluation and Review Division review.* – Before January 1, 2019, the Performance Evaluation and Review Division of the Legislative Auditor's office shall conduct a performance

review on the pilot program and the participating municipalities. The review shall include the following:

(1) An evaluation of the effectiveness of expanded home rule on the participating municipalities;

(2) A recommendation as to whether the expanded home rule should be continued, reduced, expanded or terminated;

(3) A recommendation as to whether any legislation is necessary; and

(4) Any other issues considered relevant.

(o) *Termination of the pilot program.* – The Municipal Home Rule Pilot Program terminates on July 1, 2019. No ordinance, act, resolution, rule or regulation may be enacted by a participating municipality after July 1, 2019, pursuant to the provisions of this section. An ordinance, act, resolution, rule or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect until repealed, but is null and void if it is amended and such amendment is not approved by the Municipal Home Rule Board.

(p) *Additional requirements for participation.* –

(1) The Class I, Class II, Class III and/or Class IV municipalities that wish to participate in the Municipal Home Rule Pilot Program, pursuant to the provisions of this section must agree to the requirements set forth in this subsection concerning regulation of firearms, ammunition and firearm accessories: *Provided*, That if the four municipalities participating in the pilot program on July 1, 2012, wish to continue in the pilot program then those municipalities must also agree to comply with the requirements of this subsection.

(2) *Definitions.* –

As used in this subsection:

(A) “Ammunition” means fixed cartridge ammunition, shotgun shells, the individual components of fixed cartridge ammunition and shotgun shells, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(B) “Firearm accessory” means a device specifically designed or adapted to enable the wearing or carrying about one’s person, or the storage or mounting in or on a conveyance, of a firearm, or an attachment or device specifically designed or adapted to be inserted into or affixed onto a firearm to enable, alter or improve the functioning or capabilities of the firearm.

(C) “Firearm” has the same meaning as in section two, article seven, chapter sixty-one of this code.

(3) *General rule.* –

(A) Notwithstanding any other provision of this code to the contrary, except as otherwise provided in this section, municipalities participating in the Municipal Home Rule Pilot Program, pursuant to this section, shall not restrict in any manner the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any revolver, pistol, rifle or shotgun, or any other firearm, or any ammunition or ammunition components to be used therewith, or the keeping of gunpowder so as to directly or indirectly prohibit the ownership of the ammunition, or, to restrict in any manner the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any other firearm accessory or accoutrement, under any order, ordinance or rule promulgated or enforced by the municipality. This subsection may not be construed to prevent any law enforcement official with appropriate authority from enforcing any statute enacted by the state.

(B) The authority of a municipality to regulate firearms, ammunition or firearm accessories may not be inferred from its

proprietary authority, home rule status or any other inherent or general power.

(C) Any existing or future orders, ordinances or rules promulgated or enforced in violation of this subsection are null and void.

(4) Applicability and effective dates. –

Ninety days after a new municipality has been selected by the board to participate in the pilot program, or a previously participating municipality has chosen to continue to participate in the pilot program, any municipal gun ordinances previously authorized by the provisions of section five-a, article twelve of this chapter shall no longer be of any force or effect for any municipality participating in this program to the extent they are in conflict with the provisions of this subsection: *Provided*, That no provision in this subsection may be construed to limit the authority of a municipality to restrict the commercial use of real estate in designated areas through planning or zoning ordinances.;

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:

Eng. Com. Sub. for Senate Bill No. 435—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to continuing the Municipal Home Rule Pilot Program; continuing the Municipal Home Rule Pilot Program; continuing the Municipal Home Rule Board; setting forth legislative findings; authorizing Class I, II, III and IV municipalities to participate in the program; clarifying the voting privileges of members of the Municipal Home Rule Board; clarifying the powers and duties of the board; establishing written plan requirements for municipalities; establishing requirements for the adoption of ordinances; requiring public hearings; setting forth powers and

duties of the participating municipalities; prohibiting certain acts by participating municipalities; providing the opportunity for participating municipalities to withdraw from the program; providing for amendments to the written plan; requiring a performance review of the pilot program; establishing reporting requirements; validating the continuance of certain ordinances passed by the municipalities participating in the pilot program; prohibiting municipalities participating in the pilot program from restricting the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any firearm, firearm accessory or accoutrement, or any ammunition or ammunition component; providing limited exceptions to the firearms prohibition; providing for applicability and effective dates of prohibition; and establishing a termination date of the pilot program.

Respectfully submitted,

Herb Snyder, Chair, Ronald F. Miller, Donna J. Boley, *Conferees on the part of the Senate.*

James H. Morgan, Chair, Randy Swartzmiller, Tom Azinger, *Conferees on the part of the House of Delegates.*

On motions of Senator Snyder, severally made, the report of the committee of conference was taken up for immediate consideration.

Following discussion,

The question being on the adoption of the report of the committee of conference, the same was put and prevailed.

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senators McCabe, Palumbo and Wells regarding the adoption of the report of the committee of conference for Engrossed Committee Substitute for Senate Bill No. 435 were ordered printed in the Appendix to the Journal.

Engrossed Committee Substitute for Senate Bill No. 435, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—32.

The nays were: Barnes and McCabe—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 435) passed with its conference amended title.

Senator Unger moved that the bill take effect July 1, 2013.

On this question, the yeas were: Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—32.

The nays were: Barnes and McCabe—2.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 435) takes effect July 1, 2013.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Without objection, the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill No. 3139, Authorizing qualified investigators employed by the Secretary of State to carry a firearm and concealed weapon.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

On further motion of Senator Unger, the Senate acceded to the request of the House of Delegates and receded from its amendments to the bill.

Engrossed Committee Substitute for House Bill No. 3139, as amended by deletion, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 3139) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 3139) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

At the request of Senator M. Hall, and by unanimous consent, Senator M. Hall addressed the Senate regarding the adoption of Committee Substitute for House Concurrent Resolution No. 49 (*The "Larry W. Border Memorial Bridge"*).

Thereafter, at the request of Senator Barnes, and by unanimous consent, the remarks by Senator M. Hall were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate recessed until 11 p.m. tonight.

Upon expiration of the recess, the Senate reconvened and, without objection, returned to the third order of business.

A message from The Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of

conference of seven from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill No. 2014, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates White, Reynolds, Williams, Perdue, Anderson, A. Evans and Canterbury.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 527, Relating to process of filling vacancies in certain elected offices.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §3-10-4a of the Code of West Virginia, 1931, as amended, be repealed; that §3-10-1, §3-10-2, §3-10-3, §3-10-3a, §3-10-4, §3-10-5, §3-10-6, §3-10-7 and §3-10-8 of said code be amended and reenacted; and that said code be amended by adding thereto a new section, designated §3-10-9, all to read as follows:

ARTICLE 10. FILLING VACANCIES.**§3-10-1. Elections to fill vacancies.**

(a) When a vacancy occurs in an elected office of the state or county, it shall be filled according to the processes set forth in this article. As used in this article, unless otherwise indicated by the context:

(1) “General cutoff date” means the eighty-fourth day before the general election that immediately precedes the general election where the office would be on the ballot for election if there were not a vacancy; and

(2) “Primary cutoff date” means the eighty-fourth day before the primary election that immediately precedes the general cutoff date.

(b) When this article requires an appointment to fill a vacancy in an elected office, the appointment shall be made within thirty days of the vacancy, unless this code specifically states a different time period for the specific office. The term that the appointee holds the office shall depend on when the vacancy occurs, as follows:

(1) If the vacancy occurs after the primary cutoff date, then that appointee shall hold the office until the end of the term of office: *Provided*, That if the vacancy for any county office or United States Senate occurs during the window after the primary cutoff date, but before the general cutoff date, the process contained in sections four, six, seven and eight of this article, depending on the specific office vacated, shall be followed; or

(2) If the vacancy occurs on or before the primary cutoff date, then the office shall be filled at the following regular primary and subsequent general election pursuant to this article and the appointee shall hold the office until a qualified replacement is elected and certified at that general election. The elected replacement shall hold the office until the end of the original term of office.

(c) If an election is required to fill the vacancy by subsection (b) of this section and the other provisions of this article, the election shall proceed depending on when the vacancy occurs and in which office it occurs. Elections to fill vacancies shall be held at the same places, and superintended, conducted and returned, and the result ascertained, certified and declared, in the same manner, and by the same officers, as in general elections, unless otherwise stated in this article.

(1) For a vacancy in the Office of Governor, the times for the special elections contained in section two of this article shall control. The proclamation entered pursuant to section two of this article by the person acting as Governor shall include the dates for the special candidate filing period, if necessary, and shall follow the requirements set forth in this section. All aspects of this section, where not in conflict with section two of this article, shall also be followed. If a regularly scheduled primary or general election fits within the times for the special elections contained in section two of this article, the special elections shall be conducted in conjunction with the regularly scheduled election or elections. If a special election is required by section two of this article and it cannot be held in conjunction with the regular election dates, then the compensation of election officers shall be reimbursed pursuant to section nine of this article.

(2) For a vacancy in the offices of United States House of Representatives or United States Senate, the times for the special election, if necessary, contained in section four of this article shall control. All aspects of this section, where not in conflict with section four of this article, shall also be followed.

(A) With regard to United States House of Representatives, the proclamation entered pursuant to section four of this article by the Governor shall include the dates for the special candidate filing period, if necessary, and shall follow the requirements set forth in this section. If a regularly scheduled primary or general election fits within the times for the special elections contained in

section four of this article, the special elections shall be conducted in conjunction with the regularly scheduled election or elections. If a special election is required by section two of this article and it cannot be held in conjunction with the regular election dates, then the compensation of election officers shall be reimbursed pursuant to section nine of this article.

(B) With regard to United States Senate, if a special general election following the regular general election is required by section four of this article, and it cannot be held in conjunction with the regular election dates, then the compensation of election officers shall be reimbursed pursuant to section nine of this article.

(3) For all other offices, the Governor, or other person granted authority by this article, shall issue a proclamation stating that the office will appear on the next regular primary election and subsequent general election, in order to fill the vacancy: *Provided*, That if the vacancy for any county office occurs during the window after the primary cutoff date, but before the general cutoff date, the process contained in sections six, seven and eight of this article shall be followed. If the candidate filing period for the next regular primary election has closed or has less than one week remaining, the proclamation shall provide for a special primary candidate filing period. If there are less than eighty-four days between the vacancy and the next regular primary election, then the proclamation shall state that the office will appear on the subsequent regular primary election and corresponding general election following the next regular primary election.

(d) (1) If a special candidate filing period is necessary, it shall begin no sooner than the day after the proclamation and shall close no earlier than close of business on the fourteenth day following the proclamation. A notarized declaration of candidacy and filing fee provided by section seven, article five of this chapter shall be filed either in person, by United States mail, electronic means or any other means authorized by the Secretary of State and received by the appropriate office before the close of the filing period. For petition

in lieu of payment of filing fees, a candidate seeking nomination for the vacancy may utilize the process set forth in section eight-a, article five of this chapter: *Provided*, That the minimum number of signatures required is equivalent to one qualified signature per one whole dollar of the filing fee for that office.

(2) If a primary election is required by the provisions of this article:

(A) For all statewide, multicounty and legislative elections, drawing for the primary election ballot position will take place at the Secretary of State's office twenty-four hours after the end of the filing period. For each major political party on the ballot, a single drawing by lot shall determine the candidate ballot position for ballots statewide. This drawing shall be witnessed by four clerks of the county commission chosen by the West Virginia Association of County Clerks, with no more than two clerks representing a single political party.

(B) For county elections, drawing for the primary election ballot position will take place at the county clerk's office twenty-four hours after the end of the filing period. For each major political party on the ballot, a single drawing by lot shall determine the candidate ballot position for ballots statewide. This drawing shall be witnessed by the chairperson of the county democratic and republican executive committees or their designee, and the president of the county commission or his or her designee.

(3) Ballot position for a general election required by this article shall be determined pursuant to subdivision (3), subsection (c), section two, article six of this chapter. If a general election required by this article occurs in conjunction with a regularly scheduled primary election, the general election shall be listed along with the nonpartisan portion of each ballot in the order of offices provided for regular ballots in this chapter.

(e) When an election is required to fill a vacancy, the date of the election and offices to be elected, as well as any other information

required in the proclamation, shall be published prior to such election as a Class I-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be each county of the state that is eligible to vote in the election for those offices.

(f) If an election is required by this article, citizens having no party organization or affiliation may nominate candidates as provided by sections twenty-three and twenty-four, article five of this chapter: *Provided*, That when an election is required by the provisions of this article to be held at some time other than with a regularly scheduled election, all certificates nominating candidates shall be filed with the appropriate official no later than ninety days before the election.

(g) The persons elected, having first duly qualified, shall enter upon the duties of their respective offices. The elected replacement shall hold the office until the end of the original term of office.

§3-10-2. Vacancy in Office of Governor.

(a) In case of the death, conviction on impeachment, failure to qualify, resignation or other disability of the Governor, the President of the Senate shall act as Governor until the vacancy is filled or the disability removed; and if the President of the Senate, for any of the above-named causes, shall be or become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Delegates; and in all other cases where there is no one to act as Governor, one shall be chosen by the joint vote of the Legislature. Whenever a vacancy shall occur in the Office of Governor before the first three years of the term shall have expired, a new election for Governor shall take place to fill the vacancy.

(b) The new election shall consist of a special primary election and a special general election, and shall occur at such time as will permit the person elected as Governor in the new election to assume office within one year of the date the vacancy occurred: *Provided*,

That the special general election provided in this section may not apply to section eight, article one of this chapter. Within thirty days from the date the vacancy occurs, the person acting as Governor pursuant to the State Constitution shall issue a proclamation fixing the time for a new statewide election to fill the vacancy in the Office of Governor. The special primary election to fill a vacancy in the Office of Governor shall take place no less than ninety days after the proclamation and no later than one hundred forty days from the date that the vacancy in the office occurs. The proclamation issued by the person acting as Governor pursuant to the State Constitution shall also provide for a special general election to take place no sooner than ninety days after the special primary election and no later than two hundred eighty days from the date that the vacancy in the office occurs.

(c) The election shall follow the requirements of section one of this article that are not in conflict with this section.

§3-10-3. Vacancies in offices of state officials, United States senators and judges.

Any vacancy occurring in the offices of Secretary of State, Auditor, Treasurer, Attorney General, Commissioner of Agriculture, Justice of the Supreme Court of Appeals or in any office created or made elective to be filled by the voters of the entire state, judge of a circuit court or judge of a family court is filled by the Governor of the state by appointment and subsequent election to fill the remainder of the term, if required by section one of this article.

§3-10-3a. Judicial Vacancy Advisory Commission.

(a) The Judicial Vacancy Advisory Commission ~~is hereby established to~~ shall assist the Governor in filling judicial vacancies. The commission shall meet and submit a list of no more than five nor less than two best qualified persons to the Governor within ninety days of the occurrence of a vacancy, or the formal announcement of the justice or judge by letter to the Governor of an upcoming

resignation or retirement that will result in the occurrence of a vacancy, in the office of Justice of the Supreme Court of Appeals, judge of an intermediate appellate court, judge of a circuit court or judge of a family court. The Governor shall make the appointment to fill the vacancy, as required by this article, within thirty days following the receipt of the list of qualified candidates or within thirty days following the vacancy, whichever occurs later.

(b) The commission shall consist of eight appointed members. Four public members shall be appointed by the Governor for six-year terms, except for the initial appointments which shall be staggered in accordance with subsection (c) of this section. Four attorney members shall be appointed by the Governor for six-year terms, except as provided in subsection (c) of this section, from a list of nominees provided by the Board of Governors of the West Virginia State Bar. The Board of Governors of the West Virginia State Bar shall nominate no more than twenty nor less than ten best qualified attorneys for appointment to the commission whenever there is a vacancy in the membership of the commission reserved for attorney members. The commission shall choose one of its appointed members to serve as chair for a three-year term. No more than four appointed members of the commission shall belong to the same political party. No more than three appointed members of the commission shall be residents of the same congressional district. All members of the commission shall be citizens of this state. Public members of the commission may not be licensed to practice law in West Virginia or any other jurisdiction.

(c) Of the initial appointments made to the commission, two public members and two attorney members shall be appointed for a term ending two years after the effective date of this section, one public member and one attorney member shall be appointed for a term ending four years after the effective date of this section, and one public member and one attorney member shall be appointed for a term ending six years after the effective date of this section.

(d) The Governor, or his or her designee, the President of the West Virginia State Bar and the Dean of the West Virginia University College of Law shall serve as *ex officio* members of the commission.

(e) Members of the commission shall serve without compensation, except that commission members are entitled to reimbursement of travel and other necessary expenses actually incurred while engaged in official commission activities in accordance with the guidelines of the Travel Management Office of the Department of Administration, or its successor entity. The Governor's Office shall cooperate with the commission to ensure that all resources necessary to carrying out the official duties of the commission are provided, including staff assistance, equipment and materials.

(f) The commission shall adopt written policies that formalize and standardize all operating procedures and ethical practices of its members including, but not limited to, procedures for training commission members, publishing notice of judicial vacancies, recruiting qualified individuals for consideration by the commission, receiving applications from qualified individuals, notifying the public of judicial vacancies, notifying state or local groups and organizations of judicial vacancies and soliciting public comment on judicial vacancies. The written policies of the commission are not subject to the provisions of chapter twenty-nine-a of this code, but shall be filed with the Secretary of State.

(g) A majority of the commission plus one shall constitute a quorum to do business.

(h) All organizational meetings of the commission shall be open to the public and subject to the requirements of article nine-a, chapter six of this code. An "organizational meeting" means an initial meeting to discuss the commission's procedures and requirements for a judicial vacancy. The commission shall hold at least one organizational meeting upon the occurrence of a judicial vacancy. All other meetings of the commission are exempt from article nine-a, chapter six of this code.

(i) The commission shall make available to the public copies of any applications and any letters of recommendation written on behalf of any applicants. All other documents or materials created or received by the commission shall be confidential and exempt from the provisions of chapter twenty-nine-b of this code, except for the list of best-qualified persons or accompanying memoranda submitted to the Governor in accordance with the provisions of subsection (j) of this section, which shall be available for public inspection, and the written policies required to be filed with the Secretary of State in accordance with subsection (f) of this section.

(j) The commission shall submit its list of best-qualified persons to the Governor in alphabetical order. A memorandum may accompany the list of best-qualified persons and state facts concerning each of the persons listed. The commission shall make copies of any list of best-qualified persons and accompanying memoranda it submits to the Governor available for public inspection.

§3-10-4. Vacancies in representation in United States Congress.

(a) (1) If there is a vacancy in the representation from this state in the House of Representatives in the Congress of the United States, the Governor shall, within five days after the fact comes to his or her knowledge, issue a proclamation setting dates for a special general election that is not less than eighty-four nor more than one hundred twenty days from the date of the vacancy and requiring nomination of candidates as provided in subdivision (2) of this subsection: *Provided*, That no such proclamation may be made nor may a special election be held if the vacancy occurs after the eighty-fourth day prior to the regularly scheduled general election for a new full term of the office. The election shall follow the requirements of section one of this article that are not in conflict with this section.

(2) The party executive committees for the congressional district for which there is a vacancy shall each, within thirty days

of the Governor's proclamation, nominate a candidate to stand at the general election required by subdivision (1) of this subsection.

(b) If there is a vacancy in the representation from this state in the Senate of the United States Congress, the vacancy shall be filled by the Governor of the state by appointment and:

(1) If the vacancy occurs on or before the primary cutoff date, then an election shall be held pursuant to section one of this article; or

(2) If the vacancy occurs after the primary cutoff date, but on or before the general cutoff date, then the Governor shall issue a proclamation providing for: (A) A special filing period; (B) a special primary election to be held in conjunction with the upcoming general election; and (C) a special general election to be held not less than eighty-four nor more than one hundred twenty days following the date of the special primary election. Each election shall follow the requirements of section one of this article that are not in conflict with this section.

§3-10-5. Vacancies in State Legislature.

(a) Any vacancy in the office of State Senator or member of the House of Delegates shall be filled by appointment by the Governor, from a list of three legally qualified persons submitted by the party executive committee of the party with which the person holding the office immediately preceding the vacancy was affiliated. ~~Such~~ The list of qualified persons to fill the vacancy shall be submitted to the Governor within fifteen days after the vacancy occurs and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified ~~person~~ persons within five days after the list is received. If the list is not submitted to the Governor within the fifteen-day period, the Governor shall appoint within five days thereafter a legally qualified person of the same political party as the person vacating the office.

(b) In the case of a member of the House of Delegates, the list shall be submitted by the party executive committee of the delegate district in which the vacating member resided at the time of his or her election or appointment. The appointment to fill a vacancy in the House of Delegates is for the unexpired term.

(c) In the case of a State Senator, the list shall be submitted by the party executive committee of the state senatorial district in which the vacating senator resided at the time of his or her election or appointment. ~~If the unexpired term in the office of the state Senator will be for less than two years and two months, the appointment is for the unexpired term. If the unexpired term will be for a period equal to or longer than two years and two months, the appointment is until the next general election and until the election and qualification of a successor to the person appointed, at which general election the vacancy shall be filled by election for the unexpired term. Notice of an election to fill a vacancy in the office of State Senator shall be given by the Governor by proclamation and shall be published before the election as a Class H-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for the publication shall be each county in the senatorial district. Nominations for candidates to fill a vacancy shall be made in the manner prescribed for nominating a candidate to fill a vacancy in the office of Governor to be voted for at a general election. The state senatorial district executive committee of the political party shall discharge the duties incident to State Senator nominations devolving upon the party state executive committee in nominating a candidate for a state office. The appointment to fill a vacancy in the State Senate is for the unexpired term, unless section one of this article requires a subsequent election to fill the remainder of the term, which shall follow the procedure set forth in section one of this article.~~

§3-10-6. Vacancy in office of circuit court clerk.

(a) When a vacancy occurs in the office of clerk of the circuit court, the circuit court by a majority vote of the judges shall fill the same within thirty days of the vacancy by appointment of a person of the same political party as the officeholder vacating the office for the period required by section one of this article.

(b) Notwithstanding any code provision to the contrary, the chief judge may appoint a temporary successor to the office of clerk of the circuit court until the requirements of this section have been met. The temporary successor may serve no more than thirty days from the date of the vacancy.

(c) If an election is necessary, the circuit court, or the chief judge thereof in vacation, is responsible for the proper proclamation, by order and notice required by section one of this article.

(d) Section one of this article shall be followed with respect to any election needed to fill a vacancy, except that if the vacancy occurs after the primary cutoff date but not later than the general cutoff date, candidates to fill the vacancy shall be nominated by the county executive committee in the manner provided in section nineteen, article five of this chapter, as in the case of filling vacancies in nominations, and the names of the persons, so nominated and certified to the clerk of the county commission of the county, shall be placed upon the ballot to be voted at the next general election.

§3-10-7. Vacancies in offices of county commissioner and clerk of county commission.

(a) Any vacancy in the office of county commissioner or clerk of county commission shall be filled by the county commission of the county, unless the number of vacancies in a county commission deprive that body of a quorum, in which case the Governor of the state shall fill any vacancy in the county commission necessary to

create a quorum thereof. Persons appointed shall be of the same political party as the officeholder vacating the office ~~and shall continue in office until the next general election is certified, or until the completion of the term if the term ends on December 31, following the next general election: *Provided*, That in the event for the period stated by section one of this article.~~ If a quorum of the county commission cannot agree upon a person to fill a vacancy in the office of county commissioner within thirty days of the date the vacancy first occurred, the county executive committee of the vacating county commissioner's political party shall select and name a person to fill the vacancy from the membership of the vacating county commissioner's political party. The clerk shall be appointed within thirty days of the vacancy.

~~Notice of the election shall be given by order of the county commission and published as prescribed in section six of this article. Nomination of candidates to fill the office for an unexpired term in the office of county commissioner or clerk of the county commission shall be made in the manner prescribed for making nominations to fill a vacancy in the office of the clerk of the circuit court.~~

(b) Notwithstanding any code provision to the contrary, a county commission may appoint a temporary successor to the office of clerk of the county commission until the requirements of this section have been met. The temporary successor may serve no more than thirty days from the date of the vacancy.

(c) If an election is necessary under section one of this article, the county commission, or the president thereof in vacation, shall be responsible for the proper proclamation, by order, and notice required by section one of this article.

(d) Section one of this article shall be followed with respect to any election needed to fill a vacancy, except that if the vacancy

occurs after the primary cutoff date but not later than the general cutoff date, candidates to fill the vacancy shall be nominated by the county executive committee in the manner provided in section nineteen, article five of this chapter, as in the case of filling vacancies in nominations, and the names of the persons, so nominated and certified to the clerk of the county commission of the county, shall be placed upon the ballot to be voted at the next general election.

(e) ~~In the event that~~ If the election for an unexpired term is held at the same time as the election for a full term for county commissioner, the full term shall be counted first and the unexpired term shall be counted second. If the candidate with the highest number of votes for the unexpired term resides in the same magisterial district as the candidate with the highest number of votes for the full term, the candidate for the full term shall be seated. The candidate with the next highest number of votes for the unexpired term residing in a different magisterial district shall be seated for the unexpired term.

§3-10-8. Vacancies in offices of prosecuting attorney, sheriff, assessor and surveyor.

(a) Any vacancy occurring in the office of prosecuting attorney, sheriff, assessor or county surveyor shall be filled by the county commission within thirty days of the vacancy by appointment of a person of the same political party as the officeholder vacating the office. The appointed person shall hold the office ~~until the next general election is certified, or until the completion of the term if the term ends on December 31, following the next general election~~ Notice of an election to fill a vacancy in any of the offices named in this section shall be given by the county commission, or by the president thereof in vacation, and published or posted in the manner prescribed in section six of this article. ~~Nomination of candidates to fill any vacancy shall be made in the manner prescribed in section six of this article for nominating candidates~~

to fill a vacancy in the office of the clerk of the circuit court. for the period stated by section one of this article.

(b) Notwithstanding any code provision to the contrary, a county commission may appoint a temporary successor to the office of prosecuting attorney, sheriff, assessor or county surveyor until the requirements of this section have been met. The temporary successor may serve no more than thirty days from the date of the vacancy.

(c) If an election is necessary under section one of this article, the county commission, or the president thereof in vacation, shall be responsible for the proper proclamation, by order, and notice required by section one of this article.

(d) Section one of this article shall be followed with respect to any election needed to fill a vacancy, except that if the vacancy occurs after the primary cutoff date but not later than the general cutoff date, candidates to fill the vacancy shall be nominated by the county executive committee in the manner provided in section nineteen, article five of this chapter, as in the case of filling vacancies in nominations, and the names of the persons, so nominated and certified to the clerk of the county commission of the county, shall be placed upon the ballot to be voted at the next general election.

§3-10-9. Costs of special elections paid by state.

If an election as required by section two or four of this article cannot be held in conjunction with the regular election dates, then the cost of printing ballots and all other reasonable and necessary expenses in holding and making the return of the new election to fill a vacancy are obligations of the state incurred by the ballot commissioners, clerks of the county commissions and county commissions of the various counties as agents of the state. All expenses of the new election are to be audited by the Secretary

of State. The Secretary of State shall prepare and transmit to the county commissions forms on which the county commissions shall certify all expenses of the new election to the Secretary of State. If satisfied that the expenses as certified by the county commissions are reasonable and were necessarily incurred, the Secretary of State shall requisition the necessary warrants from the Auditor of the state to be drawn on the State Treasurer and shall mail the warrants directly to the vendors of the new election services, supplies and facilities.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 527—A Bill to repeal §3-104a of the Code of West Virginia, 1931, as amended; to amend and reenact §3-10-1, §3-10-2, §3-10-3, §3-10-3a, §3-10-4, §3-10-5, §3-10-6, §3-10-7 and §3-10-8 of said code; and to amend said code by adding thereto a new section, designated §3-10-9, all relating to filling vacancies of certain elected offices; defining terms; setting procedures for appointing persons to fill certain vacancies; requiring certain appointments within a certain period of time; listing time periods and certain offices where elections must be held to fill certain vacancies; setting special requirements for filling vacancies in certain offices; setting procedures for certain special elections; setting requirements for special filing periods, where necessary; requiring certain notice be given regarding elections to fill vacancies; providing for payment of costs if a new election is necessary; allowing nomination of certain persons without party affiliation; allowing emergency orders by the Secretary of State in certain circumstances; removing and repealing certain language relating to previous elections; clarifying method used to fill vacancies in the Office of Governor; permitting meeting of the Judicial Vacancy Advisory Commission upon certain formal announcements of retirement or resignation; adjusting method to

fill vacancies in certain statewide, legislative and judicial offices such that the timing for all are consistent; adjusting method to fill vacancies in United States Congress; requiring most elections to fill vacancies be held in conjunction with regularly scheduled elections; clarifying method used to fill vacancies in certain county offices; permitting vacancies in certain county offices to be filled by temporary replacements for no more than thirty days; and updating language regarding filling vacancies in certain elected offices.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 527, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 527) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill No. 2357, Relating to sexting by minors.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2431, Modifying the application process for obtaining a state license to carry a concealed deadly weapon.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2513, Improving enforcement of drugged driving offenses.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2534, Relating to the regulation of pawn brokers.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill No. 2567, Relating to limited partnerships.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the

passage as amended with its Senate amended title, to take effect from passage, of

Eng. Com. Sub. for House Bill No. 2689, Authorizing miscellaneous Boards and Agencies to promulgate legislative rules.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill No. 2814, Relating to human trafficking.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill No. 2956, Relating to resident brewers and brewpubs.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2960, Providing for internal and external review of adverse health coverage determinations.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2964, Authorizing the mayor to appoint chiefs of police and deputy chiefs of police.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the adoption as amended, of

Com. Sub. for House Concurrent Resolution No. 106, The “O. Winston Link Trail”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the adoption as amended, of

Com. Sub. for House Concurrent Resolution No. 120, The “1st Sergeant Walter Criss Bridge, United States Army”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution No. 121, The “LSC (SS) Andrew Scott Mollohan Memorial Bridge”.

The Senate again proceeded to the fourth order of business.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

House Concurrent Resolution No. 65, The “Jimmie Stewart Pauley Memorial Bridge”.

And has amended same.

And reports the same back with the recommendation that it be adopted, as amended.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Beach, unanimous consent being granted, the resolution (H. C. R. No. 65) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page one, in the fourth Whereas clause, by striking out the word “Sates” and inserting in lieu thereof the word “States”;

On page one, in the fifth Whereas clause, by striking out the words “Military Policeman” and inserting in lieu thereof the words “Airman First Class”;

On page two, after the Resolved clause, by striking out the words “Jimmie Stewart Pauley Memorial Bridge United States Air Force” and inserting in lieu thereof the words “USAF Airman First Class Jimmie Stewart Pauley Memorial Bridge”;

On page three, in the first Further Resolved clause, by striking out the words “Jimmie Stewart Pauley Memorial Bridge United States Air Force” and inserting in lieu thereof the words “USAF Airman First Class Jimmie Stewart Pauley Memorial Bridge”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

House Concurrent Resolution No. 65—Requesting the Division of Highways to rename the Ruth Bridge over Trace Fork of Davis Creek, bridge number 20-214-5.35 on Route 214 in Kanawha County, the “USAF Airman First Class Jimmie Stewart Pauley Memorial Bridge”.

The question now being on the adoption of the resolution (H. C. R. No. 65), as amended, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution No. 28, Requesting DNR study making Upper Mud River Wildlife Management and Recreation Area a state park.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Beach, unanimous consent being granted, the resolution (S. C. R. No. 28) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senator Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Concurrent Resolution No. 79 (originating in the Committee on Finance)—Requesting the Joint Committee on Government and Finance study the equalization of magistrate pay.

Whereas, Currently West Virginia magistrates are elected countywide and represent only one county; and

Whereas, Currently West Virginia has a two-tier system for compensating magistrates based on population of the county; and

Whereas, Caseloads vary greatly by county; and

Whereas, Magistrates should receive equal pay for equal work; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Joint Committee on Government and Finance study the equalization of magistrate pay; and, be it

Further Resolved, That the Legislature hereby requests the Joint Committee on Government and Finance undertake a comprehensive study in conjunction with the West Virginia Supreme Court of Appeals of equalizing magistrate caseloads and compensation; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the resolution (S. C. R. No. 79) contained in the preceding report from the Committee on Finance was taken up for immediate consideration.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senator Snyder, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

House Concurrent Resolution No. 135, Proclaiming West Virginia as a Purple Heart State.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the resolution (H. C. R. No. 135) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Without objection, the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report with its conference amended title, of

Eng. Senate Bill No. 108, Creating Fatality and Mortality Review Team.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report, as to

Eng. Com. Sub. for Senate Bill No. 265, Authorizing DHHR promulgate legislative rules.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report, as to

Eng. Com. Sub. for Senate Bill No. 386, Relating to personal safety orders.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report with its conference amended title, to take effect July 1, 2013, of

Eng. Com. Sub. for Senate Bill No. 435, Continuing Municipal Home Rule Pilot Program.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report, as to

Eng. Com. Sub. for Senate Bill No. 580, Relating generally to practice of dentistry.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendment, as to

Eng. Com. Sub. for House Bill No. 2848, Providing the process for requesting a refund after forfeiture of rights to a tax deed.

On motion of Senator Unger, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendment to the title of the bill was reported by the Clerk:

Eng. Com. Sub. for House Bill No. 2848—A Bill to amend and reenact §11A-3-18, §11A-3-22, §11A-3-27, §11A-3-28 and §11A3-55 of the Code of the West Virginia, 1931, as amended, all relating generally to the sale of tax liens and nonentered, escheated and waste and unappropriated lands; providing the process for requesting a refund after forfeiture of rights to a tax deed; clarifying deadlines

for receipt of tax deeds and refunds related to failure to meet deadlines; modifying the requirements for petitioning to compel execution of a deed by the State Auditor; removing the provisions allowing judgment against the State Auditor for costs in the case of failure or refusal to execute a deed without reasonable cause; and providing for service of notice when mail is not deliverable to an address at the physical location of the property.

On motion of Senator Unger, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendment to the title of the bill.

Engrossed Committee Substitute for House Bill No. 2848, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2848) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

The Senate again proceeded to the fourth order of business.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Com. Sub. for House Concurrent Resolution No. 15, The “Curtis Emmet Lowe Bridge”.

And has amended same.

And,

House Concurrent Resolution No. 87, Requesting the Division of Highways to erect signs at the Tyler County line that read “Home of the 2011 FFA Land Judging and Homesite Evaluation National Champions”.

And has amended same.

And reports the same back with the recommendation that they each be adopted, as amended.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Beach, unanimous consent being granted, Committee Substitute for House Concurrent Resolution No. 15 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page one, in the first Whereas clause, by striking out the words “Emmet Lowe is” and inserting in lieu thereof the words “Emmett Lowe was”;

On page one, in the second Whereas clause, by striking out the word “Emmet” and inserting in lieu thereof the word “Emmett”;

On page one, in the second Whereas clause, after the word “uncle” by inserting a period and the words “Curtis Emmett Lowe died on April 3, 2013”;

On page one, in the third Whereas clause, by striking out the words “Emmet Lowe enlisted” and inserting in lieu thereof the words “Emmett Lowe enlisted”;

On page two, in the third Whereas clause, by striking out the words “Emmet Lowe received” and inserting in lieu thereof the words “Emmett Lowe received”;

On page two, in the fourth Whereas clause, by striking out the words “Emmet Lowe was” and inserting in lieu thereof the words “Emmett Lowe was”;

On page two, in the fourth Whereas clause, by striking out the words “Emmet Lowe married” and inserting in lieu thereof the words “Emmett Lowe married”;

On page two, in the fifth Whereas clause, by striking out the words “Emmet Lowe by” and inserting in lieu thereof the words “Emmett Lowe by”;

On page three, in the fifth Whereas clause, by striking out the words “Emmet Lowe;” and inserting in lieu thereof the words “Emmett Lowe;”;

On page three, after the Resolved clause, by striking out the words “Emmet Lowe” and inserting in lieu thereof the words “Emmett Lowe Memorial”;

On page three, in the first Further Resolved clause, by striking out the words “Emmet Lowe” and inserting in lieu thereof the words “Emmett Lowe Memorial”;

On page three, in the second Further Resolved clause, by striking out the words “Emmet Lowe and to his” and inserting in lieu thereof the words “Emmett Lowe’s”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Com. Sub. for House Concurrent Resolution No. 15—Requesting the Division of Highways to name the bridge on Route 119, in Chapmanville, Logan County, at Garrett Fork, bridge number 23-7-0.33, as the “Navy Chief Boatswain’s Mate Curtis Emmett Lowe Memorial Bridge”.

The question now being on the adoption of the resolution (Com. Sub. for H. C. R. No. 15), as amended, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Beach, and by unanimous consent, House Concurrent Resolution No. 87 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page two, after the Resolved clause, by striking out the words “Land Judging and Homesite Evaluation”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

House Concurrent Resolution No. 87—Requesting the Division of Highways to erect signs at the Tyler County line on WV Route 2, entering from Pleasants County at mile point 0.00, and entering from Wetzel County at mile point 13.93; and on WV Route 18 entering from Doddridge County at mile point 0.00, that read “Home of the 2011 FFA National Champions”.

The question now being on the adoption of the resolution (H. C. R. No. 87), as amended, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senator Beach, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

House Concurrent Resolution No. 16, The “Army Specialist-4 Harmon ‘Hoppy’ Lee Hopson Jr. Memorial Bridge”.

And has amended same.

House Concurrent Resolution No. 39, The “PFC Harry Sine, Jr. Memorial Bridge”.

And has amended same.

Com. Sub. for House Concurrent Resolution for No. 41, The “US Army Staff Sergeant Cornelius Nebo Lackey Memorial Bridge”.

And has amended same.

House Concurrent Resolution No. 52, The “Richardson Brothers’ Memorial Highway, United States Army, World War II”.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 54, The “Sergeant First Class Thomas Clyde Farley Memorial Bridge”.

And has amended same.

House Concurrent Resolution No. 66, The “PFC Casey West Memorial Bridge, United States Navy”.

And has amended same.

House Concurrent Resolution No. 73, The “Nancy E. May Memorial Bridge”.

And has amended same.

And,

House Concurrent Resolution No. 96, The “Army Sgt. Paul Witman Carroll Memorial Bridge”.

And has amended same.

And reports the same back with the recommendation that they each be adopted, as amended.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Beach, unanimous consent being granted, House Concurrent Resolution No. 16 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page three, after the Resolved clause, after the word “Virginia,” by inserting the words “bridge number 23-73-1.37,”;

On page four, in the first Further Resolved clause, before the word “Specialist-4” by inserting the word “Army”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

House Concurrent Resolution No. 16—Requesting the Division of Highways to name the bridge on Route 73, crossing over Highway 5/05, in Logan, Logan County, West Virginia, bridge number 23-73-1.37, the “Army Specialist-4 Harmon ‘Hoppy’ Lee Hopson Jr. Memorial Bridge”.

The question now being on the adoption of the resolution (H. C. R. No. 16), as amended, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Beach, and by unanimous consent, House Concurrent Resolution No. 39 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page two, in the third Whereas clause, by striking out the word “25A183 the” and the quotation mark and inserting in lieu thereof the words “25250/32-1.75, the ‘Army’”;

On page two, after the Resolved clause, by striking out the word “25A183 the” and the quotation mark and inserting in lieu thereof the words “25-250/321.75, the ‘Army’”;

On page two, in the first Further Resolved clause, before the word “PFC” by inserting the word “Army”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

House Concurrent Resolution No. 39—Requesting the Division of Highways to name the bridge located at Barrackville, West Virginia, locally called the “Maple Point Bridge”, which travels over Buffalo Creek, specifically bridge number 25-250/32-1.75, the “Army PFC Harry Sine, Jr., Memorial Bridge”.

The question now being on the adoption of the resolution (H. C. R. No. 39), as amended, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Beach, unanimous consent being granted, Committee Substitute for House Concurrent Resolution No. 41 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page two, in the third Whereas clause, by striking out “1652” and inserting in lieu thereof “30-65-19.63”;

On page two, after the Resolved clause, by striking out “1652” and inserting in lieu thereof “30-65-19.63”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Com. Sub. for House Concurrent Resolution No. 41—Requesting the Division of Highways to name the bridge located at Lenore, Mingo County, West Virginia, Route 65 milepost 19.63, which was built in 1947, specifically bridge number 30-6519.63, the “US Army Staff Sergeant Cornelius Nebo Lackey Memorial Bridge”.

The question now being on the adoption of the resolution (Com. Sub. for H. C. R. No. 41), as amended, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Beach, and by unanimous consent, House Concurrent Resolution No. 52 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page five, after the Resolved clause, by striking out the words “Brothers’ Memorial Highway, United States Army, World WarII” and inserting in lieu thereof the words “Brothers Memorial Highway”;

On page five, in the first Further Resolved clause, by striking out the words “Brothers’ Memorial Highway, United States Army, World WarII” and inserting in lieu thereof the words “Brothers Memorial Highway”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

House Concurrent Resolution No. 52—Requesting the Division of Highways to name a specific stretch of road on WV Route 16 in Calhoun County, West Virginia, specifically, that stretch of road beginning at the county line of Clay and Calhoun counties and continuing to the junction of WV Route 16 and US Route 33, the “Richardson Brothers Memorial Highway”.

The question now being on the adoption of the resolution (H. C. R. No. 52), as amended, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Beach, unanimous consent being granted, Committee Substitute for House Concurrent Resolution No. 54 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page two, in the third Whereas clause, by striking out the word “23-3.015 the” and the quotation mark and inserting in lieu thereof the words “23-30.15, the ‘Army’”;

On page two, after the Resolved clause, by striking out “23-3.015” and inserting in lieu thereof “23-3-0.15,”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Com. Sub. for House Concurrent Resolution No. 54—Requesting the Division of Highways to name the bridge located at Chapmanville, Logan County, West Virginia, specifically bridge number 23-3-0.15, the “Army Sergeant First Class Thomas Clyde Farley Memorial Bridge”.

The question now being on the adoption of the resolution (Com. Sub. for H. C. R. No. 54), as amended, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Beach, and by unanimous consent, House Concurrent Resolution No. 66 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page two, after the Resolved clause, by striking out “23-119-18.13” and inserting in lieu thereof “23-119-17.38”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

House Concurrent Resolution No. 66—Requesting the Division of Highways name bridge number 23-119-17.38 in Chapmanville, Logan County, West Virginia, on Corridor G, close to Trace Fork Road, the “PFC Casey West Memorial Bridge, United States Army”.

The question now being on the adoption of the resolution (H. C. R. No. 66), as amended, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Beach, unanimous consent being granted, House Concurrent Resolution No. 73 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page one, in the fourth Whereas clause, by striking out the word “nuturant” and inserting in lieu thereof the word “supporting”;

And,

On page two, in the fifth Whereas clause, by striking out the word “twentyfive” and inserting in lieu thereof the word “twenty-five”.

The question now being on the adoption of the resolution (H. C. R. No. 73), as amended, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Beach, and by unanimous consent, House Concurrent Resolution No. 96 contained in the preceding

report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendment to the resolution, from the Committee on Transportation and Infrastructure, was reported by the Clerk and adopted:

On page one, in the third Whereas clause, by striking out the word "Sargent" and inserting in lieu thereof the word "Sergeant".

The question now being on the adoption of the resolution (H. C. R. No. 96), as amended, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Barnes, unanimous consent being granted, Senator Barnes addressed the Senate regarding the failure of the House of Delegates to pass Engrossed Committee Substitute for Senate Bill No. 492 (*Authorizing "rural resort community" as limited gaming facility*).

Thereafter, at the request of Senator Sypolt, and by unanimous consent, the remarks by Senator Barnes were ordered printed in the Appendix to the Journal.

The midnight hour having arrived, the President stated all unfinished legislative business, with the exception of the budget bill, had expired due to the time element.

A series of messages from the House of Delegates having been received at his desk, the following communications were reported by the Clerk:

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill No. 470, Permitting wine sale on Sunday mornings at fairs and festivals.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill No. 630, Relating to Chief Technology Officer's duties with regard to security of government information.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 28, Requesting DNR study making Upper Mud River Wildlife Management and Recreation Area a state park.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution No. 37, Requesting DOH name bridge in Hardy County "Army 1SG Boyd 'Doc' Slater Memorial Bridge".

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 76, Urging Congress to update Renewable Fuel Standard.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect from passage, of

Eng. Com. Sub. for House Bill No. 2531, Relating to the practice of speech-language pathology and audiology.

A message from The Clerk of the House of Delegates announced that that body had agreed to the changed effective date to take effect from passage, of

Eng. Com. Sub. for House Bill No. 2805, Making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

Com. Sub. for House Concurrent Resolution No. 15, The “Curtis Emmet Lowe Bridge”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution No. 16, The “Army Specialist-4 Harmon ‘Hoppy’ Lee Hopson Jr. Memorial Bridge”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution No. 39, The “PFC Harry Sine, Jr. Memorial Bridge”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

Com. Sub. for House Concurrent Resolution No. 41, The “US Army Staff Sergeant Cornelius Nebo Lackey Memorial Bridge”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution No. 52, The “Richardson Brothers’ Memorial Highway, United States Army, World War II”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

Com. Sub. for House Concurrent Resolution No. 54, The “Sergeant First Class Thomas Clyde Farley Memorial Bridge”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution No. 65, The “Jimmie Stewart Pauley Memorial Bridge”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution No. 66, The “PFC Casey West Memorial Bridge, United States Navy”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution No. 73, The “Nancy E. May Memorial Bridge”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution No. 87, Requesting the Division of Highways to erect signs at the Tyler County line that read “Home of the 2011 FFA Land Judging and Homesite Evaluation National Champions”.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the adoption as amended, of

House Concurrent Resolution No. 96, The “Army Sgt. Paul Witman Carroll Memorial Bridge”.

On motion of Senator Unger, the Senate adjourned until tomorrow, Sunday, April 14, 2013, at 12:05 a.m. for an extended session to complete action on the annual state budget, under authority of the Governor’s proclamation issued April 10, 2013, extending the first annual session of the eighty-first Legislature until and including the nineteenth day of April, two thousand thirteen, solely for that purpose, as being the only permissive legislation within constitutional purview.

SUNDAY, APRIL 14, 2013

The Senate met at 12:05 a.m. for an extended session to complete action on the annual state budget (Eng. Com. Sub. for H. B. No. 2014), today’s proceedings being authorized by the Governor’s proclamation of April 10, 2013, extending the regular sixty-day session until and including the nineteenth day of April, two thousand thirteen, solely for that purpose, as being the only permissive legislation within constitutional purview.

The Legislature now being in extended session for the sole consideration of

Eng. Com. Sub. for House Bill No. 2014, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by the Honorable Mike Hall, a senator from the fourth district, and Pastor, New River Presbytery, Pliny, West Virginia.

Pending the reading of the Journal of Saturday, April 13, 2013,

On motion of Senator Boley, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

Senator Unger then moved that the Senate adjourn until tomorrow, Monday, April 15, 2013, at 5 p.m.

The question being on the adoption of Senator Unger's motion, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Boley, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—30.

The nays were: Barnes, Beach, Blair and Cann—4.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Unger's motion had prevailed.

In accordance with the foregoing motion, the Senate adjourned until tomorrow, Monday, April 15, 2013, at 5 p.m.

MONDAY, APRIL 15, 2013

The Senate met at 5 p.m.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by the Honorable Mike Hall, a senator from the fourth district, and Pastor, New River Presbytery, Pliny, West Virginia.

Pending the reading of the Journal of Sunday, April 14, 2013,

On motion of Senator Cookman, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the fourth order of business.

Senator Cookman, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 15th day of April, 2013, 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. No. 60), Relating to name-change notice publication requirements.

(Com. Sub. for S. B. No. 71), Requiring descriptions of easements and rights-of-way include width in addition to centerline; exception.

(Com. Sub. for S. B. No. 80), Including substitute teaching in job duties of certain professional educators employed by county boards.

(Com. Sub. for S. B. No. 145), Amending election complaint procedures.

(Com. Sub. for Com. Sub. for S. B. No. 158), Creating Complete Streets Act.

(S. B. No. 183), Updating terms in Corporation Net Income Tax Act.

(S. B. No. 383), Authorizing family court judges appoint counsel in certain contempt cases.

(S. B. No. 412), Relating to county conservation district supervisors.

(Com. Sub. for S. B. No. 421), Exempting certain school mascot from prohibition of firearms possession on school grounds.

(Com. Sub. for S. B. No. 430), Defining “employment term” in Teachers’ Defined Contribution Retirement System.

(Com. Sub. for S. B. No. 431), Relating to public employer liability for delinquent retirement contributions.

(Com. Sub. for Com. Sub. for S. B. No. 448), Increasing number of demonstration dealer plates issued to large commercial vehicle dealers.

(S. B. No. 458), Permitting PEIA operate Medicare retiree health plan on calendar-year basis.

(S. B. No. 463), Increasing special license fee paid by pipeline companies to PSC.

(S. B. No. 496), Finding and declaring certain claims against state.

(S. B. No. 571), Extending time Oceana City Council can meet as levying body.

And,

(Com. Sub. for S. B. No. 638), Terminating certain severance tax exemption for production of natural gas or oil.

Respectfully submitted,

Donald H. Cookman,
Chair, Senate Committee.
Danny Wells,
Chair, House Committee.

The Senate proceeded to the thirteenth order of business.

Senator Walters called attention to today being the birthday of the senator from Jackson and on behalf of the Senate extended felicitations and good wishes to Senator Carmichael, with Senator D. Hall leading the members in singing “Happy Birthday”.

Senator Unger then moved that the Senate adjourn until tomorrow, Tuesday, April 16, 2013, at 10 a.m.

The question being on the adoption of Senator Unger’s aforestated motion, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Blair, Boley, Carmichael, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Unger, Walters, Williams, Yost and Kessler (Mr. President)—27.

The nays were: Barnes, Beach, Cann, Tucker and Wells—5.

Absent: Chafin and Cole—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Unger's motion had prevailed.

In accordance with the foregoing motion, the Senate adjourned until tomorrow, Tuesday, April 16, 2013, at 10 a.m.

TUESDAY, APRIL 16, 2013

The Senate met at 10 a.m.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by the Honorable Jack Yost, a senator from the first district.

Pending the reading of the Journal of Monday, April 15, 2013,

On motion of Senator Edgell, the Journal was approved and the further reading thereof dispensed with.

Senator Unger then moved that the Senate adjourn until tomorrow, Wednesday, April 17, 2013, at 5 p.m.

The question being on the adoption of Senator Unger's aforestated motion, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Blair, Boley, Cann, Carmichael, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo,

Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—29.

The nays were: Barnes, Beach and Miller—3.

Absent: Chafin and Cole—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Unger's motion had prevailed.

In accordance with the foregoing motion, the Senate adjourned until tomorrow, Wednesday, April 17, 2013, at 5 p.m.

WEDNESDAY, APRIL 17, 2013

The Senate met at 5 p.m.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by the Honorable Brooks F. McCabe, Jr., a senator from the seventeenth district.

Pending the reading of the Journal of Tuesday, April 16, 2013,

On motion of Senator Cole, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the third order of business.

Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on April 16, 2013, he had approved **Enr. Senate Bill No. 458**.

The Senate proceeded to the fourth order of business.

Senator Cookman, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 17th day of April, 2013, 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. No. 2108), Making the offense of failure to wear safety belts a primary offense.

(Com. Sub. for H. B. No. 2395), Relating to senior services.

(Com. Sub. for H. B. No. 2431), Modifying the application process for obtaining a state license to carry a concealed deadly weapon.

(Com. Sub. for H. B. No. 2553), Authorizing the Secretary of State to administratively dissolve certain business entities.

(H. B. No. 2800), Relating to the Teachers' Retirement System.

(Com. Sub. for H. B. No. 2802), Relating to the Emergency Medical Services Retirement System.

(H. B. No. 2814), Relating to human trafficking.

(Com. Sub. for H. B. No. 2815), Clarifying and modifying the process of appointing and terminating guardians for minors.

(Com. Sub. for H. B. No. 2858), Relating generally to consumer rate relief bonds.

(Com. Sub. for H. B. No. 2923), Relating to directors of state-chartered banking institutions.

(Com. Sub. for H. B. No. 2940), Relating to regional meetings among certain officials of county boards of education.

(Com. Sub. for H. B. No. 3003), Facilitating compliance with the Tobacco Master Settlement Agreement.

(H. B. No. 3028), Expanding the number of hours temporary state personnel may work in a calendar year.

(H. B. No. 3104), Authorizing certain legislative rules regarding higher education.

And,

(H. B. No. 3160), Providing for a pilot initiative on governance of schools jointly established by adjoining counties.

Respectfully submitted,

Donald H. Cookman,
Chair, Senate Committee.
Danny Wells,
Chair, House Committee.

Without objection, the Senate returned to the third order of business.

Executive Communications

Senator Kessler (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, which was read by the Clerk:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 17, 2013

The Honorable Richard Thompson
Speaker, West Virginia House of Delegates
State Capitol
Charleston, West Virginia

Dear Speaker Thompson:

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. 2431. The bill's title refers to a section of the Code that was not amended in the body of the bill (§61-7-2) instead of the section that was amended (§61-74), therefore rendering the bill constitutionally defective.

In view of the foregoing, I must veto Enrolled Committee Substitute for House Bill No. 2431.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Jeffrey V. Kessler
The Honorable Natalie E. Tennant

A message from The Clerk of the House of Delegates announced the reconsideration, amendment and passage as amended, of a bill disapproved and returned by the Governor with his objections, and requested the concurrence of the Senate in the passage, of

Enr. Com. Sub. for House Bill No. 2431, Modifying the application process for obtaining a state license to carry a concealed deadly weapon.

On motion of Senator Unger, the message was taken up for immediate consideration.

Senator Unger then moved that in accordance with Section 14, Article VII of the Constitution of the State of West Virginia, the Senate reconsider the bill (Enr. Com. Sub. for H. B. No. 2431), heretofore disapproved and returned by His Excellency, the Governor, with his objections.

The question being on the adoption of Senator Unger's motion that the Senate reconsider Enrolled Committee Substitute for House Bill No. 2431, the same was put and prevailed.

On motion of Senator Unger, the Senate concurred in the following House of Delegates amendment to the title of bill:

Enr. Com. Sub. for House Bill No. 2431—An Act to amend and reenact §61-7-4 and §61-7-7 of the Code of West Virginia, 1931, as amended, all relating to the process for obtaining a state license to carry a concealed deadly weapon; conforming state licensure law to meet federal “Brady Exemption” requirements; clarifying certain restrictions and prohibitions; clarifying effect of expungement, pardons or reversal of prior offenses on permit applications; clarifying training and certification requirements; and clarifying background check requirements.

The question now being on the passage of the bill, disapproved by the Governor and amended by the House of Delegates.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Enr. Com. Sub. for H. B. No. 2431) passed with its title, as amended, as a result of the objections of the Governor.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Senator Kessler (Mr. President) then laid before the Senate the following communication from His Excellency, the Governor, which was read by the Clerk:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 17, 2013

The Honorable Richard Thompson
Speaker, West Virginia House of Delegates
State Capitol
Charleston, West Virginia

Dear Speaker Thompson:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill No. 2814. The bill's enacting section refers to a new article of the West Virginia Code that is not referenced in the bill's title or included in the body of the bill, therefore rendering the bill constitutionally defective. In addition, on page 4, line 90, there is a nonfatal grammatical error, and the line should be revised to read "he or she" instead of "her or she".

In view of the foregoing, I must veto Enrolled House Bill No. 2814.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Jeffrey V. Kessler
The Honorable Natalie E. Tennant

A message from The Clerk of the House of Delegates announced the reconsideration, amendment and passage as amended, of a bill disapproved and returned by the Governor with his objections, and requested the concurrence of the Senate in the passage, of

Enr. House Bill No. 2814, Prohibiting the federal government from requiring state agencies to enforce the provisions of federal health care legislation.

On motion of Senator Unger, the message was taken up for immediate consideration.

Senator Unger then moved that in accordance with Section 14, Article VII of the Constitution of the State of West Virginia, the Senate reconsider the bill (Enr. H. B. No. 2814), heretofore disapproved and returned by His Excellency, the Governor, with his objections.

The question being on the adoption of Senator Unger's motion that the Senate reconsider Enrolled House Bill No. 2814, the same was put and prevailed.

On motion of Senator Unger, the Senate concurred in the following House of Delegates amendment to the bill:

By striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That §61-2-17 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:.

The question now being on the passage of the bill, disapproved by the Governor and amended by the House of Delegates.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Enr. H. B. No. 2814) passed with its title, as amended, as a result of the objections of the Governor.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Senator Kessler (Mr. President) next laid before the Senate the following communication from His Excellency, the Governor, which was read by the Clerk:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 17, 2013

The Honorable Richard Thompson
Speaker, West Virginia House of Delegates
State Capitol
Charleston, West Virginia

Dear Speaker Thompson:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill No. 3160.

The bill's title evidences a technical error. Specifically, the title references the bill's "authorizing adoption of separate and requests of waivers" without including the word "policies" following the word "separate". Without the inclusion of the word "policies", the title fails to reference the purpose of subsection (b) of §18-5-11a, which permits the board to "adopt policies for the school that are separate from the policies of the respective counties". Moreover, there is an incorrect cross-reference in subsection (c) of §18-5A-2a, on page 7, line 43-44, which refers to "subdivisions (1) and (2), subsection (a) of this section." This cross-reference should refer to "subsection (b) of this section" because subsection (a) does not include subdivisions.

Further, there are also some nonfatal technical issues relating to the designation of subsections, subdivisions, paragraphs and subparagraphs in §18-5-11a. These issues begin on page 4, line 57 with "(A) *Personnel*." Because this should be a subparagraph, (A) should be revised as a lower case Roman numeral, (i), and the rest of the section should follow accordingly. Finally, on page 5, line 90, subsection (b) should be revised as subsection (d) because there was a previous subsection with that designation in the section.

In view of the foregoing, I hereby veto Enrolled House Bill No. 3160.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Jeffrey V. Kessler
The Honorable Natalie E. Tennant

A message from The Clerk of the House of Delegates announced the reconsideration, amendment and passage as amended, of a bill disapproved and returned by the Governor with his objections, and requested the concurrence of the Senate in the passage, of

Enr. House Bill No. 3160, Providing for a pilot initiative on governance of schools jointly established by adjoining counties.

On motion of Senator Unger, the message was taken up for immediate consideration.

Senator Unger then moved that in accordance with Section 14, Article VII of the Constitution of the State of West Virginia, the Senate reconsider the bill (Enr. H. B. No. 3160), heretofore disapproved and returned by His Excellency, the Governor, with his objections.

The question being on the adoption of Senator Unger's motion that the Senate reconsider Enrolled House Bill No. 3160, the same was put and prevailed.

On motion of Senator Unger, the Senate concurred in the following House of Delegates amendment to the title of the bill:

Enr. House Bill No. 3160—An Act to amend and reenact §18-511 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-5-11a; and to amend said code by adding thereto a new section, designated §185A-2a, all relating to joint establishment, maintenance and operation of school by two or more adjoining counties; requiring formal agreement for apportionment of acquisition costs; providing for operating costs; providing net enrollment adjustment for certain costs; providing for joint governing partnership board pilot initiative; making findings with respect to pilot initiative and purpose; establishing limitation and condition; providing features of partnership board; authorizing adoption of separate policies and requests of waivers; providing for modifications to local school

improvement council membership for jointly established school; providing for modifications to local school improvement council membership for jointly attended school under certain conditions; and aligning authority of improvement council for proposing alternatives and requesting waivers.

The question now being on the passage of the bill, disapproved by the Governor and amended by the House of Delegates.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Enr. H. B. No. 3160) passed with its title, as amended, as a result of the objections of the Governor.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report, to take effect from passage, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. Com. Sub. for House Bill No. 2014, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

Whereupon, Senator Prezioso, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill No. 2014, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

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 No. 2014 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:

[CLERK'S NOTE: For full text of conference committee report, see House Journal of this day.]

Respectfully submitted,

Harry Keith White, Chair, Doug Reynolds, Larry A. Williams, Don C. Perdue, Everette W. Anderson, Jr., Allen V. Evans, Ray Canterbury, *Conferees on the part of the House of Delegates.*

Roman W. Prezioso, Jr., Chair, Douglas E. Facemire, Robert H. Plymale, Ron Stollings, John R. Unger II, Mike Hall (*did not sign*), Dave Sypolt, *Conferees on the part of the Senate.*

Senator Prezioso, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Prezioso, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill No. 2014, as amended by the conference report, was then put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill No. 2014 pass?”

On the passage of the bill, as amended, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2014) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2014) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

At the request of Senator Prezioso, and by unanimous consent, Senator Prezioso addressed the Senate commending the Budget conferees and the Finance committee staff for their promptness in preparing the budget.

On motion of Senator Unger, the Senate recessed until 6 p.m. today.

Upon expiration of the recess, the Senate reconvened and proceeded to the sixth order of business.

Senator Unger offered the following pre-adjournalment resolution:

Senate Resolution No. 70—Raising a committee to notify the House of Delegates the Senate is ready to adjourn *sine die*.

Resolved by the Senate:

That the President be authorized to appoint a committee of three to notify the House of Delegates that the Senate has completed its labors and is ready to adjourn *sine die*.

At the request of Senator Unger, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Senator Kessler (Mr. President), under the provisions of the foregoing resolution, appointed the following committee to notify the House of Delegates of impending Senate adjournment:

Senators D. Hall, Cookman and Carmichael.

Senator Unger then offered the following resolution:

Senate Resolution No. 71—Raising a committee to notify His Excellency, the Governor, that the Legislature is ready to adjourn *sine die*.

Resolved by the Senate:

That the President be authorized to appoint a committee of three to join with a similar committee of the House of Delegates to notify His Excellency, the Governor, that the Legislature has completed its labors and is ready to adjourn *sine die*.

At the request of Senator Unger, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Under the provision of the foregoing resolution, Senator Kessler (Mr. President) appointed the following committee to notify His Excellency, the Governor, that the Senate is ready to adjourn:

Senators Kirkendoll, Fitzsimmons and Walters.

Thereafter, the President recognized the presence of a three-member delegation from the House of Delegates, namely:

Delegates Skinner, Young and Ambler, who announced that that body had completed its labors and was ready to adjourn *sine die*.

The President then acknowledged another delegation from the House of Delegates, consisting of

Delegates Sponaugle, Tomblin and Raines, who announced that they had been appointed by that body to join with the similar committee named by the Senate to wait upon His Excellency and were ready to proceed with its assignment.

Senators Kirkendoll, Fitzsimmons and Walters, comprising the Senate committee, then joined with the House committee and proceeded to the executive offices to notify His Excellency, the Governor, of imminent legislative adjournment, and receive any message he might desire to transmit to the members of the Senate.

On motion of Senator Cookman, the Joint Committee on Enrolled Bills was directed after it has examined, found truly enrolled and presented to His Excellency, the Governor, for his action, bills passed but not presented to him prior to adjournment of the regular sixty-day and extended session of the Legislature, to file its reports with the Clerk of bills so enrolled, showing the date such bills were presented to the Governor; said reports to be included in the final Journal, together with Governor's action on said bills.

In accordance with the foregoing motion, the following reports of the Joint Committee on Enrolled Bills were filed as follows:

Senator Cookman, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 19th day of April, 2013, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. No. 208), Making supplementary appropriation from State Fund, General Revenue, to Department of Commerce, Division of Labor, and DHHR, Division of Human Services.

(S. B. No. 523), Making supplementary appropriation of unappropriated moneys to various accounts.

(S. B. No. 524), Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOT.

And,

(S. B. No. 526), Making supplementary appropriation of federal funds to DHHR, Division of Human Services-Temporary Assistance for Needy Families.

Respectfully submitted,

Donald H. Cookman,
Chair, Senate Committee.
Danny Wells,
Chair, House Committee.

Senator Palumbo, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 22nd day of April, 2013, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. No. 525), Making supplementary appropriation of federal funds to various accounts.

(S. B. No. 664), Decreasing appropriations of public moneys in State Fund, General Revenue.

(Com. Sub. for H. B. No. 2014), Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

(Com. Sub. for H. B. No. 2538), Expiring, supplementing, amending, increasing, and adding items of appropriation in various accounts.

And,

(H. B. No. 2541), Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Department of Health and Human Resources, Division of Human Services.

Respectfully submitted,

Corey Palumbo,
Member, Senate Committee.
Danny Wells,
Chair, House Committee.

Senator Cookman, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 22nd day of April, 2013, 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. No. 2314), Authorizing a family court judge to order a child to be taken into custody in emergency situations.

(H. B. No. 2361), Relating to the definition of “eligible veteran” for certain state training and employment preference benefits.

(H. B. No. 2463), Repealing the article that permits the sterilization of persons deemed to be mentally incompetent.

(Com. Sub. for H. B. No. 2521), Relating to the West Virginia Contraband Forfeiture Act.

(Com. Sub. for H. B. No. 2652), Authorizing the Department of Administration to promulgate legislative rules.

(H. B. No. 2729), Allowing schools to voluntarily maintain and use epinephrine auto-injectors.

(H. B. No. 2992), Eliminating duplicative reporting requirements imposed on distributors of imported cigarettes.

(Com. Sub. for H. B. No. 3086), Relating to juvenile services and criminal justice institutions.

And,

(H. B. No. 3159), Granting exceptions from certain compulsory attendance statutes to the Monroe and Nicholas County school systems.

Respectfully submitted,

Donald H. Cookman,
Chair, Senate Committee.
Danny Wells,
Chair, House Committee.

Senator Cookman, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 23rd day of April, 2013, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. No. 65), Exempting PERS retirement income of DNR police officers from state income tax.

(Com. Sub. for S. B. No. 195), Removing tax rate expiration date on eligible acute care hospitals.

(S. B. No. 214), Eliminating interview requirement for certain medical licensee applicants.

(Com. Sub. for S. B. No. 243), Authorizing DEP promulgate legislative rules.

(Com. Sub. for S. B. No. 281), Authorizing Department of Transportation promulgate legislative rules.

(S. B. No. 331), Permitting Courthouse Facilities Improvement Authority to issue bonds.

(Com. Sub. for S. B. No. 358), Relating to municipal policemen and firemen pensions.

And,

(S. B. No. 387), Relating to family court judge supervision of criminal background investigations.

Respectfully submitted,

Donald H. Cookman,
Chair, Senate Committee.
Danny Wells,
Chair, House Committee.

Senator Fitzsimmons, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 25th day of April, 2013, 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 Com. Sub. for S. B. No. 101), Clarifying Medical Professional Liability Act applies to nursing homes and their health care providers.

(S. B. No. 194), Relating to DHHR contract procedures.

(Com. Sub. for S. B. No. 386), Relating to personal safety orders.

(Com. Sub. for Com. Sub. for S. B. No. 437), Regulating commercial dog-breeding operations.

(Com. Sub. for S. B. No. 440), Relating to disclosure of specified tax information for enforcement of Tobacco Master Settlement Agreement.

(Com. Sub. for S. B. No. 445), Allowing Tax Commissioner divert lottery prizes to offset tax liabilities of lottery winners.

(S. B. No. 446), Conforming motor fuel taxes with International Fuel Tax Agreement.

(S. B. No. 462), Extending time for informal conferences on surface mining permit applications.

(S. B. No. 491), Relating to rental car license cost recovery fee.

(Com. Sub. for S. B. No. 542), Relating to restricted races at pari-mutuel thoroughbred horse racetracks.

(Com. Sub. for S. B. No. 544), Scheduling departmental performance reviews.

(Com. Sub. for Com. Sub. for S. B. No. 553), Relating to Highway Design-Build Program.

(Com. Sub. for S. B. No. 557), Continuing Preventive Care Pilot Program.

(S. B. No. 561), Establishing Tucker County Cultural District Authority.

(Com. Sub. for S. B. No. 604), Expanding definition of “electioneering communication”.

(S. B. No. 658), Extending time for Madison City Council to meet as levying body.

(H. B. No. 2158), Relating to the provision of financially-related services by banks and bank holding companies.

(Com. Sub. for H. B. No. 2351), Authorizing law enforcement to issue a charge by citation when making an arrest for driving with a suspended or revoked license.

(Com. Sub. for H. B. No. 2352), Clarifying that the West Virginia Department of Environmental Protection does not assume a mine operator’s obligations or liabilities under the Water Pollution Control Act.

(Com. Sub. for H. B. No. 2399), Protecting livestock in dire or extreme condition.

(Com. Sub. for H. B. No. 2453), Expanding the Amber Alert Plan; “SKYLAR’S LAW”.

(Com. Sub. for H. B. No. 2471), Prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency.

(Com. Sub. for H. B. No. 2490), Providing for the appointment of veterans advocates at state institutions of higher education.

(Com. Sub. for H. B. No. 2497), Requiring applicants for real estate licensure to undergo criminal history record checks.

(Com. Sub. for H. B. No. 2505), Increasing civil penalties imposed by the Public Service Commission for pipeline safety violations.

(H. B. No. 2508), Changing the capital investment threshold amount.

(Com. Sub. for H. B. No. 2512), Reforming the state Medicaid subrogation statute.

(H. B. No. 2516), Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.

(Com. Sub. for H. B. No. 2519), Relating to reallocation and repatriation of certain funds to the General Revenue Fund.

(H. B. No. 2542), Relating to publication of the State Register.

(Com. Sub. for H. B. No. 2548), Increasing the criminal penalties for assaults and batteries against athletic officials.

(Com. Sub. for H. B. No. 2554), Providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations.

(Com. Sub. for H. B. No. 2571), Relating to who may serve as members of the environmental quality board.

(Com. Sub. for H. B. No. 2603), Relating to the Family Protection Services Board.

(Com. Sub. for H. B. No. 2626), Authorizing the Department of Military Affairs and Public Safety to promulgate Legislative Rules.

(Com. Sub. for H. B. No. 2717), Requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification.

(Com. Sub. for H. B. No. 2754), Relating to further defining a retailer engaging in business in this state for purposes of sales and use taxes.

(Com. Sub. for H. B. No. 2762), Creating an exemption from licensure as an adjuster for certain individuals who conduct data entry into an automated claims adjudication system.

(Com. Sub. for H. B. No. 2819), Relating to the financial oversight of entities regulated by the Insurance Commissioner.

(Com. Sub. for H. B. No. 2866), Providing an exception to allow a resident of a dwelling house to discharge a firearm in a lawful manner within five hundred feet.

And,

(H. B. No. 2968), Authorizing the use of an additional medium for use in archiving the records.

Respectfully submitted,

Robert J. Fitzsimmons,
Member, Senate Committee.
Danny Wells,
Chair, House Committee.

Senator Fitzsimmons, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 26th day of April, 2013, 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. No. 21), Creating Health Care Provider Transparency Act.

(Com. Sub. for S. B. No. 74), Relating to jury service qualification.

(Com. Sub. for S. B. No. 146), Collecting unpaid magistrate court charges through income tax refund withholding.

(S. B. No. 190), Relating to public-private transportation projects funding.

(Com. Sub. for S. B. No. 200), Relating to Eyewitness Identification Act.

(Com. Sub. for Com. Sub. for S. B. No. 202), Creating WV Spay Neuter Assistance Program and Fund.

(Com. Sub. for Com. Sub. for S. B. No. 336), Relating to interscholastic athletics concussions and head injuries.

(Com. Sub. for S. B. No. 355), Relating to final wage payment to discharged employees.

(S. B. No. 394), Relating to scholarships for dependent children of law-enforcement officers who die in performance of duty.

(S. B. No. 407), Relating generally to child support orders.

(Com. Sub. for S. B. No. 414), Clarifying hunting and fishing license-issuing authorities.

(S. B. No. 423), Providing certain convicted persons reduction in sentence.

(Com. Sub. for S. B. No. 435), Continuing Municipal Home Rule Pilot Program.

(S. B. No. 441), Relating to withdrawal of erroneous state tax liens.

(S. B. No. 460), Exempting certain residents' active duty military pay from state income tax.

(Com. Sub. for S. B. No. 461), Relating to procedures and protections for child witnesses in domestic relations proceedings.

(Com. Sub. for S. B. No. 464), Regulating tanning facilities.

(Com. Sub. for S. B. No. 469), Clarifying service credit for certain PERS members.

(Com. Sub. for S. B. No. 481), Relating to juvenile mental health treatment.

(Com. Sub. for Com. Sub. for S. B. No. 498), Relating to hearing location for Alcohol Beverage Control Administration's appeal hearings.

(S. B. No. 504), Relating to cooperative associations.

(S. B. No. 515), Relating to use of television receivers and other devices in vehicles.

(Com. Sub. for S. B. No. 534), Correcting internal code reference regarding insurance information disclosure.

(Com. Sub. for S. B. No. 538), Relating generally to disposition of domestic violence orders.

(Com. Sub. for S. B. No. 564), Increasing minimum construction cost of municipal public works project before competitive bidding is required.

And,

(S. B. No. 601), Relating generally to juvenile offenders.

Respectfully submitted,

Robert J. Fitzsimmons,
Member, Senate Committee.
Danny Wells,
Chair, House Committee.

Senator Fitzsimmons, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 29th day of April, 2013, 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. No. 2046), Requiring wireless telecommunications companies to release location information of a missing person's cell phone in a timely manner; the "Kelsey Smith Act".

(Com. Sub. for H. B. No. 2357), Relating to sexting by minors.

(H. B. No. 2469), Increasing the cap on earnings during temporary reemployment after retirement.

(Com. Sub. for H. B. No. 2470), Relating to sign support specialist or an educational sign language interpreter in the education of exceptional children.

(Com. Sub. for H. B. No. 2491), Establishing a uniform course completion policy for veteran students called up for active duty.

(Com. Sub. for H. B. No. 2498), Making it a crime for a person sitting on a grand jury to disclose the identity of an individual who will be indicted.

(Com. Sub. for H. B. No. 2513), Improving enforcement of drugged driving offenses.

(Com. Sub. for H. B. No. 2514), Lowering the total amount of tax credits available under the Film Industry Investment Act.

(Com. Sub. for H. B. No. 2531), Relating to the practice of speech-language pathology and audiology.

(Com. Sub. for H. B. No. 2567), Relating to limited partnerships.

(Com. Sub. for H. B. No. 2577), Relating to the practice of pharmacist care.

(Com. Sub. for H. B. No. 2579), Revising state water quality standard for Selenium.

(Com. Sub. for H. B. No. 2585), Increasing the time to file a petition in response to notice of an increased assessment.

(Com. Sub. for H. B. No. 2590), Creating a public nonprofit corporation and governmental instrumentality to collectively address several environmental and economic development programs.

(Com. Sub. for H. B. No. 2600), Creating resort area districts.

(Com. Sub. for H. B. No. 2608), Requiring appraisal management companies to be registered.

(Com. Sub. for H. B. No. 2689), Authorizing miscellaneous Boards and Agencies to promulgate legislative rules.

(Com. Sub. for H. B. No. 2727), Relating to the school aid formula.

(Com. Sub. for H. B. No. 2731), Regulating the performance of health maintenance tasks by unlicensed personnel.

(Com. Sub. for H. B. No. 2733), Relating to hearings before the Office of Administrative Hearings.

(Com. Sub. for H. B. No. 2805), Making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program.

(Com. Sub. for H. B. No. 2806), Relating to administrative remedies for prisoners generally.

(Com. Sub. for H. B. No. 2837), Amending various provisions of the Code affecting the Treasurer's Office.

(H. B. No. 2847), Relating to the collection of delinquent real property and personal property taxes.

(Com. Sub. for H. B. No. 2848), Providing the process for requesting a refund after forfeiture of rights to a tax deed.

(H. B. No. 2851), Establishing a one time audit cost amnesty program for local governments with delinquent audit costs.

(H. B. No. 2861), Relating to continued enrollment of at-risk student in public school.

(Com. Sub. for H. B. No. 2913), Specifying procedures for adjusting payments to correct for an erroneous distribution of moneys dedicated, distributed or directed to a state or local governmental subdivision.

(H. B. No. 2933), Providing notification to a prosecuting attorney of an offender's parole hearing and release.

(H. B. No. 2956), Relating to resident brewers and brewpubs.

(Com. Sub. for H. B. No. 2960), Providing for internal and external review of adverse health coverage determinations.

(Com. Sub. for H. B. No. 2964), Authorizing the mayor to appoint chiefs of police and deputy chiefs of police.

(Com. Sub. for H. B. No. 2979), Relating to broadband deployment projects.

(Com. Sub. for H. B. No. 3020), Improving boat dock and marina safety.

(Com. Sub. for H. B. No. 3135), Relating generally to voting system certification and procedures at the central counting center.

And,

(Com. Sub. for H. B. No. 3157), Restoring the authority, flexibility, and capacity of schools and school systems to improve student learning.

Respectfully submitted,

Robert J. Fitzsimmons,
Member, Senate Committee.
Danny Wells,
Chair, House Committee.

Senator Fitzsimmons, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 1st day of May, 2013, 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. No. 22), Requiring maternity services coverage for all health insurance plan dependents in certain circumstances.

(S. B. No. 82), Relating to public service district board membership.

(Com. Sub. for S. B. No. 103), Creating WV Commuter Rail Access Act.

(S. B. No. 108), Creating Fatality and Mortality Review Team.

(Com. Sub. for S. B. No. 172), Relating to nonintoxicating beer distributor licensees.

(Com. Sub. for Com. Sub. for S. B. No. 185), Relating to alternative-fuel motor vehicles and qualified refueling infrastructure tax credits.

(Com. Sub. for S. B. No. 250), Authorizing Department of Commerce promulgate legislative rules.

(Com. Sub. for S. B. No. 265), Authorizing DHHR promulgate legislative rules.

(Com. Sub. for S. B. No. 270), Authorizing Department of Revenue promulgate legislative rules.

(Com. Sub. for S. B. No. 335), Permitting certain hospitals exemption from certificate of need.

(Com. Sub. for S. B. No. 369), Relating to concealed handgun license reciprocity.

(Com. Sub. for Com. Sub. for S. B. No. 371), Relating to prison overcrowding.

(Com. Sub. for S. B. No. 401), Relating to Board of Registration for Professional Engineers.

(S. B. No. 403), Relating to judicial retirement system contribution rates.

(Com. Sub. for Com. Sub. for S. B. No. 426), Amending Uniform Commercial Code.

(Com. Sub. for S. B. No. 438), Authorizing reorganization of certain community and technical colleges.

(Com. Sub. for S. B. No. 444), Relating to higher education generally.

(Com. Sub. for Com. Sub. for S. B. No. 454), Relating to taxation of alternative motor fuels.

(S. B. No. 470), Permitting wine sale on Sunday mornings at fairs and festivals.

(Com. Sub. for S. B. No. 477), Relating to electronic registration of voters.

(Com. Sub. for S. B. No. 478), Redefining “video lottery games”; permitting wagering by historic resort hotel employees.

(Com. Sub. for S. B. No. 482), Relating to sale of voter registration lists.

(S. B. No. 489), Permitting community enhancement districts to decrease annual property assessments.

(Com. Sub. for S. B. No. 527), Relating to process of filling vacancies in certain elected offices.

(Com. Sub. for S. B. No. 535), Relating to process for maintaining voter registration lists.

(Com. Sub. for S. B. No. 580), Relating generally to practice of dentistry.

(Com. Sub. for S. B. No. 586), Relating to licensure of barbers and cosmetologists.

(S. B. No. 596), Determining grant awards for Chesapeake Bay and Greenbrier River watershed compliance projects.

(Com. Sub. for S. B. No. 630), Relating to Chief Technology Officer's duties with regard to security of government information.

(S. B. No. 652), Requiring criminal background checks for home inspector applicants.

(S. B. No. 663), Creating WV Feed to Achieve Act.

(Second Enrollment Com. Sub. for H. B. No. 2431), Modifying the application process for obtaining a state license to carry a concealed deadly weapon.

(Com. Sub. for H. B. No. 2534), Relating to the regulation of pawn brokers.

(H. B. No. 2586), Relating to qualifications for a license to practice embalming.

(Com. Sub. for H. B. No. 2716), Relating to the West Virginia Fairness in Competitive Bidding Act.

(Com. Sub. for H. B. No. 2730), Relating to the Real Estate Appraisal Board.

(Com. Sub. for H. B. No. 2738), Relating to the Center for Nursing.

(Com. Sub. for H. B. No. 2747), Relating to Open Governmental Proceedings.

(Com. Sub. for H. B. No. 2764), Relating to compulsory school attendance.

(H. B. No. 2770), Permitting dealers who sell fewer than eighteen new or used motor vehicles during a year to have their dealer licenses renewed.

(H. B. No. 2780), Relating generally to multidisciplinary team meetings for juveniles committed to the custody of the West Virginia Division of Juvenile Services.

(Second Enrollment H. B. No. 2814), Relating to human trafficking.

(Com. Sub. for H. B. No. 2825), Relating to certain appointive state officers salaries.

(Com. Sub. for H. B. No. 2836), Allowing certain Commission on Special Investigations personnel the right to carry firearms.

(H. B. No. 2842), Clarifying that time-sharing plans, accommodations and facilities are subject to regulation by the Division of Land Sales and Condominiums.

(Com. Sub. for H. B. No. 2888), Allowing members of a policemen's civil service commission to serve on other local boards and commissions.

(Com. Sub. for H. B. No. 2897), Declaring certain claims against the state and its agencies to be moral obligations of the state.

(H. B. No. 3043), Including methane monitoring equipment as eligible safety equipment for tax credit purposes.

(Com. Sub. for H. B. No. 3069), Relating to access to justice.

(Com. Sub. for H. B. No. 3139), Authorizing qualified investigators employed by the Secretary of State to carry a firearm and concealed weapon.

(Com. Sub. for H. B. No. 3145), Removing the existing maximum quantities of beer that retailers can sell for off premises.

(Second Enrollment H. B. No. 3160), Providing for a pilot initiative on governance of schools jointly established by adjoining counties.

And,

(H. B. No. 3161), Repealing section relating to additional fee to be collected for each marriage license issued.

Respectfully submitted,

Robert J. Fitzsimmons,
Member, Senate Committee.
Danny Wells,
Chair, House Committee.

Executive Communications

Under authorization of Senate approval therefor in prior proceedings today, to include in this day's Journal communications showing the Governor's action on enrolled bills presented to him in post-session reports, the following are inserted hereinafter:

The Clerk then presented communications from His Excellency, the Governor, advising that on April 17, 2013, he had approved **Enr. Committee Substitute for Senate Bill No. 80, Enr. Committee Substitute for Senate Bill No. 421, Enr. Senate Bill No. 571** and **Enr. Committee Substitute for House Bill No. 2395**; on April 18, 2013, he had approved **Enr. Committee Substitute for Senate Bill No. 60, Enr. Committee Substitute for Senate Bill No. 71, Enr. Senate Bill No. 383, Enr. Senate Bill No. 412, Enr. Committee Substitute for Senate Bill No. 430, Enr. Committee Substitute for Senate Bill No. 431, Enr. Senate Bill No. 496, Enr. Committee Substitute for Senate Bill No. 638, Enr. Committee Substitute for**

House Bill No. 2940 and Enr. House Bill No. 3104; on April 19, 2013, he had approved **Enr. Committee Substitute for Senate Bill No. 145, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 158, Enr. Senate Bill No. 183, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 448, Enr. Senate Bill No. 463, Enr. House Bill No. 2800 and Enr. Committee Substitute for House Bill No. 2802;** on April 22, 2013, he had approved **Enr. Senate Bill No. 208, Enr. Senate Bill No. 523, Enr. Senate Bill No. 524, Enr. Senate Bill No. 525, Enr. Senate Bill No. 526, Enr. Senate Bill No. 664, Enr. Committee Substitute for House Bill No. 2014, Enr. Committee Substitute for House Bill No. 2108, Enr. House Bill No. 2361, Enr. House Bill No. 2463, Enr. Committee Substitute for House Bill No. 2521, Enr. Committee Substitute for House Bill No. 2538, Enr. House Bill No. 2541, Enr. Committee Substitute for House Bill No. 2553, Enr. House Bill No. 2729, Enr. Committee Substitute for House Bill No. 2815, Enr. Committee Substitute for House Bill No. 2858, Enr. Committee Substitute for House Bill No. 2923, Enr. House Bill No. 2992, Enr. Committee Substitute for House Bill No. 3003, Enr. House Bill No. 3028, Enr. Committee Substitute for House Bill No. 3086 and Enr. House Bill No. 3159;** on April 29, 2013, he had approved **Enr. Committee Substitute for Senate Bill No. 74, Enr. Senate Bill No. 190, Enr. Senate Bill No. 194, Enr. Committee Substitute for Senate Bill No. 200, Enr. Senate Bill No. 214, Enr. Committee Substitute for Senate Bill No. 281, Enr. Committee Substitute for Senate Bill No. 355, Enr. Committee Substitute for Senate Bill No. 358, Enr. Committee Substitute for Senate Bill No. 386, Enr. Senate Bill No. 394, Enr. Senate Bill No. 407, Enr. Committee Substitute for Senate Bill No. 414, Enr. Committee Substitute for Senate Bill No. 461, Enr. Senate Bill No. 462, Enr. Committee Substitute for Senate Bill No. 469, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 498, Enr. Senate Bill No. 504, Enr. Senate Bill No. 515, Enr. Committee Substitute for Senate Bill No. 534, Enr. Committee Substitute for Senate Bill No. 538, Enr. Committee Substitute for Senate Bill No. 544, Enr. Committee Substitute for Senate Bill No. 557, Enr. Senate Bill No. 561, Enr. Senate Bill No. 601, Enr. Senate Bill No.**

658, Enr. Committee Substitute for House Bill No. 2046, Enr. House Bill No. 2158, Enr. Committee Substitute for House Bill No. 2351, Enr. Committee Substitute for House Bill No. 2352, Enr. Committee Substitute for House Bill No. 2399, Enr. Committee Substitute for House Bill No. 2453, Enr. Committee Substitute for House Bill No. 2491, Enr. Committee Substitute for House Bill No. 2497, Enr. Committee Substitute for House Bill No. 2498, Enr. Committee Substitute for House Bill No. 2505, Enr. House Bill No. 2508, Enr. Committee Substitute for House Bill No. 2512, Enr. House Bill No. 2542, Enr. Committee Substitute for House Bill No. 2548, Enr. Committee Substitute for House Bill No. 2554, Enr. Committee Substitute for House Bill No. 2567, Enr. Committee Substitute for House Bill No. 2579, Enr. Committee Substitute for House Bill No. 2590, Enr. Committee Substitute for House Bill No. 2762, Enr. Committee Substitute for House Bill No. 2866, Enr. House Bill No. 2933, Enr. House Bill No. 2968 and Enr. Committee Substitute for House Bill No. 2979; on April 30, 2013, he had approved Enr. Committee Substitute for Committee Substitute for Senate Bill No. 101, Enr. Committee Substitute for Senate Bill No. 195, Enr. Committee Substitute for Senate Bill No. 243, Enr. Senate Bill No. 423, Enr. Committee Substitute for Senate Bill No. 440, Enr. Senate Bill No. 441, Enr. Committee Substitute for Senate Bill No. 445, Enr. Senate Bill No. 446, Enr. Senate Bill No. 460, Enr. Committee Substitute for Senate Bill No. 481, Enr. Senate Bill No. 491, Enr. Committee Substitute for Senate Bill No. 542, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 553, Enr. Committee Substitute for Senate Bill No. 564, Enr. Committee Substitute for Senate Bill No. 604, Enr. House Bill No. 2469, Enr. Committee Substitute for House Bill No. 2470, Enr. Committee Substitute for House Bill No. 2514, Enr. House Bill No. 2516, Enr. Committee Substitute for House Bill No. 2519, Enr. Committee Substitute for House Bill No. 2585, Enr. Committee Substitute for House Bill No. 2608, Enr. Committee Substitute for House Bill No. 2626, Enr. Committee Substitute for House Bill No. 2652, Enr. Committee Substitute for House Bill No. 2689, Enr. Committee Substitute for House Bill No. 2754, Enr. Committee Substitute

for House Bill No. 2806, Enr. Committee Substitute for House Bill No. 2819, Enr. House Bill No. 2847, Enr. Committee Substitute for House Bill No. 2848, Enr. Committee Substitute for House Bill No. 2913 and Enr. Committee Substitute for House Bill No. 3135; on May 1, 2013, he had approved Enr. Committee Substitute for Senate Bill No. 146, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 202, Enr. Committee Substitute for Senate Bill No. 335, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 336, Enr. Senate Bill No. 369, Enr. Senate Bill No. 387, Enr. Committee Substitute for Senate Bill No. 444, Enr. Committee Substitute for Senate Bill No. 464, Enr. Senate Bill No. 652, Enr. Committee Substitute for House Bill No. 2357, Second Enrollment Enr. Committee Substitute for House Bill No. 2431, Enr. Committee Substitute for House Bill No. 2490, Enr. Committee Substitute for House Bill No. 2513, Enr. Committee Substitute for House Bill No. 2534, Enr. Committee Substitute for House Bill No. 2571, Enr. House Bill No. 2586, Enr. Committee Substitute for House Bill No. 2603, Enr. Committee Substitute for House Bill No. 2716, Enr. Committee Substitute for House Bill No. 2717, Enr. Committee Substitute for House Bill No. 2727, Enr. Committee Substitute for House Bill No. 2764, Enr. House Bill No. 2770, Enr. House Bill No. 2780, Enr. Committee Substitute for House Bill No. 2805, Second Enrollment Enr. House Bill No. 2814, Enr. Committee Substitute for House Bill No. 2825, Enr. House Bill No. 2842, Enr. House Bill No. 2851, Enr. Committee Substitute for House Bill No. 2888, Enr. Committee Substitute for House Bill No. 2897, Enr. Committee Substitute for House Bill No. 2960, Enr. Committee Substitute for House Bill No. 3069 and Enr. Committee Substitute for House Bill No. 3145; on May 2, 2013, he had approved Enr. Committee Substitute for Senate Bill No. 22, Enr. Committee Substitute for Senate Bill No. 103, Enr. Committee Substitute for Senate Bill No. 172, Enr. Committee Substitute for Senate Bill No. 265, Enr. Committee Substitute for Senate Bill No. 270, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 371, Enr. Committee Substitute for Senate Bill No. 401, Enr. Senate Bill No. 403, Enr. Committee Substitute

for Committee Substitute for Senate Bill No. 426, Enr. Committee Substitute for Senate Bill No. 438, Enr. Senate Bill No. 470, Enr. Committee Substitute for Senate Bill No. 477, Enr. Senate Bill No. 489, Enr. Senate Bill No. 596, Enr. Committee Substitute for House Bill No. 2600, Enr. Committee Substitute for House Bill No. 2730, Enr. Committee Substitute for House Bill No. 2747 and Enr. Committee Substitute for House Bill No. 2837; on May 3, 2013, he had approved Enr. Senate Bill No. 82, Enr. Senate Bill No. 108, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 185, Enr. Committee Substitute for Senate Bill No. 250, Enr. Committee Substitute for Senate Bill No. 435, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 437, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 454, Enr. Committee Substitute for Senate Bill No. 478, Enr. Committee Substitute for Senate Bill No. 482, Enr. Committee Substitute for Senate Bill No. 527, Enr. Committee Substitute for Senate Bill No. 535, Enr. Committee Substitute for Senate Bill No. 580, Enr. Committee Substitute for Senate Bill No. 586, Enr. Committee Substitute for Senate Bill No. 630, Enr. Senate Bill No. 663, Enr. Committee Substitute for House Bill No. 2314, Enr. Committee Substitute for House Bill No. 2471, Enr. Committee Substitute for House Bill No. 2531, Enr. Committee Substitute for House Bill No. 2577, Enr. Committee Substitute for House Bill No. 2731, Enr. Committee Substitute for House Bill No. 2733, Enr. Committee Substitute for House Bill No. 2836, Enr. House Bill No. 2861, Enr. House Bill No. 2956, Enr. Committee Substitute for House Bill No. 2964, Enr. Committee Substitute for House Bill No. 3020, Enr. House Bill No. 3043, Enr. Committee Substitute for House Bill No. 3139, Enr. Committee Substitute for House Bill No. 3157, Second Enrollment Enr. House Bill No. 3160 and Enr. House Bill No. 3161.

Veto Messages

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 29, 2013

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Ms. Tennant:

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. 21. This bill requires in its §16-1C-2 that employees of a health care provider wear an identification badge when providing direct patient care. The applicability of this section to certain employers, however, is questionable because of an incorrect cross-reference on page 4, line 1 of the Enrolled Committee Substitute. This cross-reference should refer to section “two” instead of section “three”. Moreover, page 2, line 1 contains a similar error. Page 2, line 1 should refer the reader to section “two” rather than section “three”.

Because these internal cross-references in the bill are incorrect, I must veto the legislation.

Very truly yours,

Earl Ray Tomblin,
Governor.

cc: The Honorable Jeffrey V. Kessler
The Honorable Richard Thompson

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

May 3, 2013

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Ms. Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill No. 65. This bill would authorize the Division of Natural Resources police officers in the Public Employees Retirement System (“PERS”) to deduct their retirement income in calculating their personal income taxes. I have serious concerns about providing disparate tax treatment to a very narrow class of retirees within PERS. Moreover, the bill creates a risk that the class will be expanded through litigation to include other retirees within PERS seeking the same tax treatment.

For the aforementioned reasons, I hereby disapprove of Enrolled Senate Bill No. 65.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Jeffrey V. Kessler
The Honorable Richard Thompson

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

May 3, 2013

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Ms. Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill No. 331. This bill provides the West Virginia Courthouse Facilities Improvement Authority (the “Authority”) with the ability to issue bonds to raise funds for paying the costs of approved modifications or construction of courthouse facilities. Under this bill, the debt payments on the bonds would be made from funds deposited into a special revenue account known as the Courthouse Facilities Improvement Fund (the “Fund”). The Fund is comprised solely of special fees charged at county courthouses including a certain portion of marriage license fees, civil action filing fees, and fees for licenses to carry a concealed weapon. As I understand it, the amount of fees deposited into the Fund has remained steady at approximately \$2 million annually.

While I applaud the general intent of the bill to provide additional funding for our aging courthouses, I am concerned about the prospect of encumbering all or part of the fees that the Authority receives, for a period of up to thirty years, to pay debt service. The Authority already utilizes these fees to run its daily operations and to provide grants to renovate courthouse facilities. Absent any additional appropriations from the Legislature, I believe that the potential long-term funding issues facing the Authority significantly outweigh the positive attributes of this bill.

For the aforementioned reasons, I hereby veto Enrolled Senate Bill No. 331.

Very truly yours,

Earl Ray Tomblin,
Governor.

cc: The Honorable Jeffrey V. Kessler
The Honorable Richard Thompson

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

May 3, 2013

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Ms. Tennant:

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. 2738. Although the purpose of the bill is well-intentioned, the bill embraces more than one object in violation of the Constitution of West Virginia. See W. Va. Const. art. VI, §30.

The title of Enrolled Committee Substitute for House Bill No. 2738 states “all relating generally to administration of financial aid and higher education scholarship programs by the Higher Education Policy Commission”. The bill, however, also amends the article establishing the Center of Nursing, including provisions relating to the powers and duties of the Center and its board of directors. These provisions do not relate to the HEPC’s administration of financial aid or scholarships, and they constitute a separate and distinct object from that set forth in the title of the bill.

For the aforementioned reasons, I hereby disapprove of Enrolled Committee Substitute for House Bill No. 2738.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Richard Thompson
The Honorable Jeffrey V. Kessler

All business of the sixty-day and extended session now being concluded,

Senator Kirkendoll, from the select committee to notify His Excellency, the Governor, that the Senate is ready to adjourn *sine die*, returned to the chamber and was recognized by the President. Senator Kirkendoll then reported this mission accomplished.

Thereupon,

On motion of Senator Unger, the Senate adjourned *sine die*.

ERRATA

On page 1474,

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

Eng. Com. Sub. for House Bill No. 2395, Relating to senior services

Appendix – Remarks

REMARKS OF
HONORABLE
RONALD F. MILLER

Wednesday, February 20, 2013

SENATOR MILLER: Thank you, Mr. President. It is written:

I believe in the future of agriculture, with a faith born not of words but of deeds—achievements won by the present and past generations of agriculturists; in the promise of better days through better ways, even as the better things we now enjoy have come to us from the struggles of former years.

Such are the words of the national Future Farmers of America Creed. I want to remind all of my colleagues of every district in this state that this week, until Saturday, is Future Farmers of America Week. We would like to honor them—particularly those students who are involved.

FFA was started in 1928 by a small number of young men who had an interest in being good students and better farmers. Today there are half a million members throughout this country in every state. It's not a male-only organization. About half of the members are female and a full 50 percent are females elected in the leadership of FFA.

I stand today to ask the members of this body to explore the local FFA chapters in your own district, encourage the growth of such and try to acknowledge them at some point this week if you can.

I also stand today to express to this membership my concern as we start looking at educational reform not to forget this area

of education. Many education systems are discontinuing this viable, career-directed organization and its training; and we are having a very difficult time finding qualified teachers for our schools in this field throughout the state. I truly believe that agriculture—and I believe the future of agriculture—can be exciting. A new direction for the development and growth of our state. And FFA will play a viable role in that direction in finding young men and young women who are interested in wonderful career possibilities found in agriculture.

As the FFA Creed continues to say—and these words seem to apply to all of us:

I believe in leadership from ourselves and respect from others. I believe in my own ability to work efficiently and think clearly, with such knowledge and skill as I can secure, and in the ability of progressive agriculturists to serve our own and the public interest in producing and marketing the product of our toil.

I believe in less dependence on begging and more power in bargaining; in the life abundant and enough honest wealth to help make it so—for others as well as myself; in less need for charity and more of it when needed; in being happy myself and playing square with those whose happiness depends upon me.

I believe that American agriculture can and will hold true to the best traditions of our national life and that I can exert an influence in my home and community which will stand solid for my part in that inspiring task.

Those are the words of their Creed and I think they fit well for us this day.

So, please remember our FFA members this week.

Thank you.

REMARKS OF
HONORABLE
H. TRUMAN CHAFIN

Tuesday, March 5, 2013

SENATOR CHAFIN: Thank you, Mr. President. Ladies and gentlemen of the Senate, I am proud to announce that today is Mercer County Day. The Senator from Mercer and I invite you to shake hands with the people from Mercer County today when you see them. Take a minute to become acquainted with them.

Mercer County is a great county. I am very honored now to represent that entire county in the Senate along with the Senator from Mercer, Senator Cole. It's in the southeast part of the state and it borders Virginia. Whenever you do something in Bluefield, you almost have to count on what they do across the line in Bluefield, Virginia. Half is in West Virginia; half is in Virginia. My hometown of Williamson—half is in Mingo County, West Virginia; half is in Pike County, Kentucky. So the laws that we pass here in West Virginia greatly affect the operation of businesses and the attraction of businesses in southeast West Virginia—particularly Mercer County.

It's been said that the future depends on what we do today. That's true. Death, taxes and change—you can't avoid them; but progress is mandatory.

Several of you have been around a while. Those of you who have served with me for several years have seen the fight that the former Senator from Mercer, our Minority Leader, Senator Caruth—who is no longer

with us—and I had. We had some gallant fights here on this floor trying to remove or do something about the Turnpike tolls.

It is a real burden on four counties in southern West Virginia, particularly Mercer County. I drove down to The Greenbrier hotel last night to be a guest speaker and I spent \$8 on the way down. These people travel every day and they spend \$12 a day. They are here today, and they all pay a lot of money for tolls out of their budget every year.

It deters the attraction of businesses to Mercer County. They don't have that in Virginia. As you all know, the Turnpike is paid by the mile by the federal government because it's an interstate system. But the West Virginia Division of Highways takes the money they get for that 88 miles and spends it on other sections of the state because they can charge the people of southeast West Virginia.

I got the revenues and for 2012 the toll revenues came in at \$83,907,000. The operating expense was about \$79,938,000. The operating income last year was about \$11,186,000.

I have a bill today that just came up. I will read you the note on the last page here. It says: The purpose of this bill is to require the West Virginia Parkways, Economic Development and Tourism Authority to transfer one half of one percent of the gross revenues it receives from the operating of the highway formerly known as the West Virginia Turnpike to the county commissions where the highway is located. The bill identifies those counties as Kanawha, Fayette, Raleigh and Mercer.

I didn't go for one percent or two percent or five percent. I went for one half of one percent which would be about \$4 million. It would give Mercer County's tourism, through the county commission, about a million dollars a year to compete with

what's going on in Virginia where they have no tolls. They want to do a horse park. They want to do all kinds of things that's going to add to the coffers of West Virginia.

Ladies and gentlemen, Mr. President, I believe that our charge in this Senate is to create an environment. We can't pass laws to make everything happen, but we need to pass laws that will create an environment so we can have businesses flourish and so they can have money to do things like we're trying to do in Mercer County.

I know the people of Kanawha County and Raleigh County and Fayette County will have the same options and will probably want to work with their county commissions. I do hope you will consider this, Mr. President. It's carefully thought out. I think the Senator from Mercer will probably support it; we've talked about it. But I want you to read it to see if you think it is reasonable and let me know what you think.

I don't want to pass anything or I don't want to operate the revenue where it will affect their ability to pay the bond. That's not the purpose at all. It will at least lighten the load on those who have paid it for years and years and years. This thing was paid off years ago and they just keep sticking it on. They're not going to take it off. It's going to be paid off in 2019—some of us might be here; some of us might not. But they probably are not going to take it off. We don't know who the Governor and the Legislature will be at that time. But, if we give them a little bit of the money that they are paying, it will go a long ways to helping these people.

Today would be a great day to tell the people of Mercer County what you think. I appreciate your time and attention.

Thank you, Mr. President.

REMARKS OF
HONORABLE
JOHN R. UNGER II

Thursday, March 14, 2013

SENATOR UNGER: Thank you, Mr. President. Today several of us here introduced Senate Joint Resolution No. 8 (*Proposing constitutional amendment designated Nonpartisan Election of State Board of Education Amendment*). Of course, this resolution is meant to go on the ballot, Mr. President. It will let the people decide if they want to truly elect their State Board of Education or not.

As you know, Mr. President, we already elect county boards of education. They are held accountable by the people. County boards of education then, of course, will hire the county superintendent. At that point the people can hold the county level as far as accountable.

However, if you look at the constitution, the State Board of Education says they are the fourth branch of government. They are the only branch that's not accountable to anybody. No election. The first branch, of course, is the Legislature, by constitution. And that's us and we're accountable to the people. The second branch, of course, is the executive. The Governor is accountable to the people. Of course, the Supreme Court is the other branch, with 12-year terms they are accountable to the people. As well as circuit judges that have elections and so forth.

However, I asked the President of the State Board of Education this morning at the meeting who they were accountable to. He said the constitution. They are appointed for nine-year terms. They make the majority of the state policies for education.

There are 115 policies that are produced by the State Board of Education which

really has no oversight from any branch of government. Now, we do have a Legislative Oversight Commission on Education Accountability which I serve on along with the Chairman of Education. We review these policies and can give suggestions; but we don't really vote on them. As a matter of fact, it's not like the Legislative Rule-Making Review Committee, Senator from Jefferson, where the agencies come forward and the Legislature looks at these things and, ultimately, we vote on them here. No, we have no input other than just suggestions on all those policies. There's 115.

Now, I want to show you something. This right here is West Virginia state law annotated. These are all the state laws that we have passed for education. I couldn't carry them all, but this represents just four education policies—four of the 115 that the State Board of Education passes down to the counties. Now, in order for me to get all of them here, I would have had to have 31 books—which I was afraid would have cluttered my desk and people wouldn't have been able to get to me—but 31 books in order to show you what they do. They make these decisions—and I'm not saying they're bad decisions or good decisions—but, nonetheless, they make these decisions without any accountability to anyone except the constitution as the Board President said.

Well, I found out this morning, Mr. President, they also have appropriation power. I didn't realize that. They have just hired on as a Board of Education employee—not a West Virginia Department of Education employee but a Board of Education employee—a person called Director of Operations for \$104,000. They are also proposing two more positions that they want to fill. While all these agencies and all these bodies and our schools and higher education and DHHR are taking a 7.5 percent cut, they are increasing their staff.

So, I asked the question: What authority were you given to be able to hire this person onto your staff? And, is this the first time this has ever happened? The answer was: Yes, this is the first time in the history of West Virginia that this has ever happened. We hired someone but what we did I said: Well, who authorized this; who gave you the money? He said: Well, we just took a vacant position, vacant positions, in the West Virginia Department of Education and used that money to hire the person for us. I said: Well, who authorized that? Well, we did. And so again, Mr. President, they're hiring people without even appropriation from the West Virginia Legislature because they are reaching in, taking money that was appropriated to the West Virginia Department of Education that's supposed to go to our children for education and they're taking it to hire staff.

Now, I'm not debating the issue that that staff person is needed. That staff person may be needed. But the issue is accountability and process. You know, Mr. President, I share with you and many others in this State of West Virginia that I am sick to death of being 49th in education. I think we need reform and we need reform badly. Also, Mr. President, I would like to share with you that we've been focused a lot on the teachers here and the reforming of that and so forth. I suggest there is room for reform. But we've been focusing on the teachers only—the hiring practices of the teachers.

But I've always thought that when you have reform you look at the whole structure and you start at the top and work your way down. So, Mr. President, what this amendment does is it gives the people of West Virginia an opportunity to vote on whether or not they want to take control of their education system and look at the hiring practices of the State Board of Education.

Now, the President of the State Board of Education told me that the constitution

is the only thing that gives them authority to be able to do what they do. So, if you really look at the constitution—let me share with you that: Under Article XII of the Constitution of West Virginia—this is his authority—the first section reads: The Legislature shall provide, by general law, for a thorough and efficient system of free schools. Sounds pretty clear to me that’s actually general law we give this leadership in here.

But then it goes on to say: Supervision of Free Schools. And this is where the State Board of Education comes in. Second section says: The general supervision of the free schools of the State shall be vested in the West Virginia Board of Education, which shall perform such duties as [may be] prescribed by law. As prescribed by law. The West Virginia Board of Education shall, in the manner prescribed by law, select the State Superintendent of Free Schools who shall serve at its will and pleasure. He shall be the chief school officer of the State, and shall have powers and shall perform such duties as [may be] prescribed by law.

Now, I’ve been here for a while and maybe I missed it, Mr. President, but I don’t remember any law that this body passed—by constitution we are the ones that do that—that we passed to authorize the State Board of Education to hire anybody except for the superintendent, which is by constitution. Now, I missed it. I’m willing to be corrected if someone can show me this. No, Mr. President, I think that according to the President of the State Board of Education it was their decision to hire this person at the \$104,000 salary and it is their intention also to get two more.

I guess also that if we don’t, by budget, give them the money they will do what they did today or yesterday—reach into the West Virginia Department of Education money, find vacancies and just basically hire

someone anyhow. No accountability, Mr. President.

I would suggest, Mr. President, we look into that. I think there ought to be an investigation in the authority issue here. I think there are real constitutional and legal problems in which they may have overstepped their bounds. But, who do they answer to? Well, I was told the constitution, but the constitution doesn’t authorize it.

So, Mr. President, I think we have a real problem here. I’m just trying to offer up a potential education reform that gives authority back to the people. Allow the people to control this and elect their own representatives to the State Board of Education. When the board oversteps their bounds they would have to answer to the people.

I hope no one disagrees with that. I mean, we elect everyone else. Why not the State Board of Education? I was told: Well, one pushback could be that you don’t want to politicize the State Board of Education. Well, all you’ve got to do is see some of the members on there. If you don’t think there’s politics on the State Board of Education, then I’m not sure you can see any of this. Anyhow, the idea is whose hands do we want to put the control into and that is in the hands of the people.

So, Mr. President, I would say to you that starting today, as we do education reform, we need to be looking all up and down the system—being 49th in the nation. As Harry Truman would say: The buck stopped with him—at the top. I think the buck starts at the top and then we work ourself down, Mr. President.

Thank you.

**Designating Hall Flintlock Model 1819
official state firearm**

*(Adoption of Senate Concurrent
Resolution No. 7)*

**REMARKS OF
HONORABLE
JOHN R. UNGER II**

Friday, March 15, 2013

SENATOR UNGER: Thank you, Mr. President. This resolution, of course, is going to designate the Hall Flintlock Model of 1819 as the official state firearm. This particular firearm is very historic for West Virginia. We suspect—and we haven't gotten confirmation yet—but it may very well be one of the guns at the foot of one of the Mountaineers on the Seal of West Virginia. Anyhow, I am going to go ahead and ask the Doorkeeper to unveil this and I will tell you a little bit about it.

This particular gun came from the National Park Service in Harpers Ferry. I had to sign my life away just to bring it down here. I assured them it would be returned. This Hall Flintlock Model of 1819 was manufactured at the National Armory in Harpers Ferry by John H. Hall and was adopted for use by the United States Army in 1819.

In 1817 Hall received a contract to deliver 100 of these rifles to the U. S. Army. The government was particularly interested in Hall's ideas about the interchangeable parts. In 1819 he was granted another government contract, this time for 1,000 rifles.

The Hall Flintlock Model of 1819 was the first breech-loaded rifle to be adopted by any nation's military. The special feature of Hall's rifle was that, unlike other guns, it did not have to be loaded through

the muzzle by pouring the powder down the barrel and ramming down the bullet. Hall's rifle had a block at the breech near the operator's body that could be lifted out and allow the operator to insert the powder and ball. It was, therefore, easier and faster to load. The breechblock could even be removed and used as a pistol.

The Hall Flintlock Model of 1819 saw action in several frontier wars and was still in use during the Civil War.

John Hall's rifle was the first entirely machine-made weapon ever devised. The precision allowed by machine production permitted Hall's weapons components to be interchangeable—therefore, allowing for manufacturing of guns versus the craftsmanship. Hall's rifle was the first U. S. military breechloader ever manufactured. Hall's technological innovations advanced industrialization to what would be called the American System of Manufacturing. In the Industrial Revolution mechanization would replace hand craftsmanship.

So, Mr. President, this is a very historic rifle. I am understanding that they only know of three in existence. This particular rifle, as I mentioned, comes from the National Park in Harpers Ferry. After the Legislature adopts—if we adopt—this resolution, they are going to have a special display for this. This gun is still fired at least once a year at the National Park.

So, with that, Mr. President, this is a very historic gun for West Virginia—manufactured in West Virginia—and actually has been very much a part of the history of West Virginia. On this sesquicentennial year of the formation of our state, I think it's only appropriate that we recognize this as a very historical gun for our state. With that, Mr. President, I ask that this resolution be adopted.

Thank you.

REMARKS OF
HONORABLE
MIKE GREEN

Wednesday, March 20, 2013

SENATOR GREEN: Thank you, Mr. President. Ladies and gentlemen of the Senate, I put a handout here on your desks today. It's a copy of *The Register-Herald* editorial this morning. I would just like to read a little bit and talk to you about substance abuse here in West Virginia. It starts out:

"Substance abuse is killing West Virginians nearly every day.

"Families are suffering.

"The abuse of drugs is touching every community.

"It is affecting crime rates, our economy and health care costs.

"We must continue the fight against this terrible and rampant cultural issue."

It goes on to say that not every drug abuser is on public assistance. We understand that.

"But if it straightens up a good percentage of folks that would fall under the guidelines, it would be a success.

"It wouldn't hurt children of those abusive homes.

"It would help them.

"Living in the living conditions that drug abuse brings, that's what's harmful to our children.

"An addict's habits and abusive lifestyle should not be sustained by tax dollars.

"A bill that wages war on the current epidemic of drug abuse in our state must be considered thoroughly and carefully.

"Not set aside.

"The future of our state depends on it."

Now, I will tell you this has hit home for me. Friday, a week ago, I lost a family member. We buried him last Monday. He was a bright, articulate young person. He was an All-State athlete—just an all-around great guy. The sky was the limit. About ten years ago, he got hooked on prescription drugs. The past ten years he battled that epidemic. He battled that demon while his family had to sit and watch. On Friday, at 3:30 in the morning, he went out looking for a fix. He was walking down the center line on a road in Wyoming County and was hit by a coal truck.

Now, luckily, he didn't have any immediate family or children; but he was on public assistance. For the last eight years that public assistance fed his drug problem. He did nothing with that assistance—absolutely nothing productive, nothing constructive—except purchase illegal drugs. Fed his habit. His mother took care of him. He lived with his grandmother. This is not someone who 20 years ago you would have said . . . I mean the sky was the limit, great athlete, very articulate, went to college. Again, luckily in this instance he didn't have any children. His addiction affected no one but himself other than his family members who had to sit and watch.

Now, the media has started paying attention to the issue of drug testing folks on public assistance. The day before yesterday there was a front page article in *The Register-Herald* that brought this to people's attention. I can tell you that I have received literally hundreds of e-mails, Facebook comments, tweets in support of this issue—people who, like my family, see it every day. They see the effects of the

drug problem. They see the effects of what this is doing to our society.

Now, not one person has e-mailed me, called me, sent me a Facebook message or anything in opposition to this. But I know there are two big issues. One, the constitutionality of this and, yes, there are questions. Right now there are currently seven states that have some form of welfare drug testing measures—Louisiana, Oklahoma, Alabama, Ohio, Missouri. Florida passed legislation last year that required all welfare recipients, all people on public assistance to be tested. A lawsuit was filed by the ACLU. Their lawsuit alleges a violation of the Fourth Amendment right. Currently, that program is on hold pending the outcome of this lawsuit. I'm very much aware of that, but that should not prohibit us here in West Virginia from having that discussion. We should not wait to see what a Florida court rules before we continue discussion on this issue.

The other issue, and the issue of my concern I supported this concept five, six years ago, but I was not willing to sign onto the legislation until I knew that the children in these homes were going to be cared for—they were not going to have to be in more harm than they were living in those homes.

So, this legislation, what it does—it says that if a person on public assistance tests positive, they have within 30 to 60 days to enter a substance abuse program. Within 30 to 60 days they have to be retested. If at the end of that 30 to 60 days, if they have another positive test, they lose those benefits for up to a year. At the end of that year, they can sign back up for assistance but they have to have a mandatory drug test.

The bill also allows a third party to administer these benefits to the household members. These children are not going to be without. They are not going to be

without their funds. These children are not going to be without food. I ask you: If at the end of 60 days, if this individual decides not to come clean, if they decide not to make the right decision for those children—what really is worse? What really is worse than putting those children back in those homes where the parents don't care enough—or don't have the ability to address those issues? To me, it is more dangerous putting those children back in those households. If that problem is severe enough that they are not going to get clean to protect those children—then I think we are doing a disservice to those children by putting them back in that home.

Yesterday, we passed great legislation, Engrossed Committee Substitute for Senate Bill No. 359 (*Relating generally to reforming public education*) under the leadership of the President and the Senator from Wayne. We talked about the ultimate goal—student achievement. Everything we talked about for the last 30 days was student achievement. We went from ISE to OSE to 180 days. We addressed a lot of issues to increase student achievement.

You tell me what's more important for student achievement than putting those kids in a home with an opportunity to learn—with an opportunity to have a full belly when they come to school. I know this is a multifaceted, multicomplex problem. There is not going to be one silver bullet that cures it.

Yesterday, we sent a piece of legislation over to the House that we think is going to be a major step in improving student achievement. And I think it will. Obviously, they are going to fast-track it across the hall to be out of here by Friday and we'll move on.

I challenge you, if you want to effect student achievement, consider this bill. Consider the effects on those students

that are completely out of their control. They have no control whatsoever where they live, who or what their caregivers are doing.

Tonight the Select Committee on Children and Poverty is going to be in my home county of Raleigh in Beckley. I, along with the Senator from Wyoming—which we do not serve on the committee—are going to be there. And I can assure you that you're going to hear heart-wrenching stories, not only about poverty, but you are going to hear about the challenges that we face. Again, a very, very difficult subject. No one silver bullet. I can assure the majority of those people there are going to be on public assistance. An overwhelming percentage of those people are going to have some type of addiction—and to me, it's disheartening to know.

Again, I want to reiterate there are some constitutional issues that have to be addressed. We have to address this issue. We have to face these challenges.

Today MetroNews listed the five unhealthiest counties in West Virginia: Wyoming, McDowell, Mingo, Logan and Boone. It's not a coincidence. We are unhealthy. We have a high rate of people on public assistance. We have an enormous rate of people dependent on illegal and illicit drugs. We can continue to bury our head in the sand. We can continue to say the Fourth Amendment protects these folks. Who's protecting the children? Who's going to look out for the children?

And for those of you who have been here as long as I—you know I don't stand up here very often. I don't take the microphone and I don't ask you for anything normally. But I can tell you from personal experience—I can tell you from watching my family struggle with this issue—that it's real. If we don't address it, who will? Who will?

Mr. President, I've gained more respect for you than anyone in this body. When you used to sit right there in that first seat, you would give passionate speeches. You would challenge us to think outside the box. You would stand up and you would make us look at ourselves, at issues that you felt were an injustice to the people of West Virginia. Issues varied I won't mention the issues. I challenge you. I plead with you to stand with me and speak for the injustice of these children—because if we don't, no one will.

Thank you, Mr. President.

Relating to prison overcrowding

(Passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 371)

REMARKS OF
**HONORABLE
MIKE HALL**

Thursday, March 21, 2013

SENATOR M. HALL: Thank you, Mr. President. I rise to speak to the bill briefly. I served on the committee that looked at this issue with the folks on reinvestment. We certainly have a problem.

In the past few days this bill has been talked about publicly. I've heard criticisms of it, I thought I'd give a brief explanation as to why I'm going to vote yes on this bill. I want to talk about a couple things that I've been hearing. I've had to resolve in my mind the question of early release which some people have brought up as an objection saying that that's being soft on crime. Those kinds of comments have been made. I'm a layman. I'm not in the system. I'm not a lawyer. I've never been

involved in this, but my decision to vote yes is based on the fact that it makes sense to me that even if you let somebody out six months early and you supervise them that recidivism will be less. If you allow them to stay six more months with no supervision that recidivism will be more. The statistics show that.

So there are those who may argue about that as this bill proceeds to the other side of the building. There is going to be some discussion about that point and there's going to be some discussion about the sort of scheduled or stepped-in parole issue. There'll be some discussion about that; but overall, with the rehabilitation section in here, the funding to do the kinds of things we haven't done in the past—on balance this may not make everybody happy. I'm comforted by the fact that even the Great State of Texas, which we all know is a very Republican area, had a Republican legislator who actually saw the issue of needing to build, possibly build new prisons, that led the charge down there in order to get the kinds of policies that are in this piece of legislation.

So, I will admit it's been a struggle the past few days in terms of whether I would vote yes or no based on some of these things that I've been hearing in the public. I wanted to go ahead and say I've resolved this in my mind. I've spoken recently to the prosecutor from a county I represent who deals with this on a daily basis. I rise to say that I personally support this bill, of course, I am not speaking for the caucus but for myself. I just wanted to stand up and give an explanation as to my yes vote and to make these comments that are relative to the questions that have been raised by the public about the bill.

Thank you, Mr. President.

Relating to prison overcrowding

(Passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 371)

REMARKS OF HONORABLE CLARK S. BARNES

Thursday, March 21, 2013

SENATOR BARNES: Thank you, Mr. President. I appreciate you giving me the opportunity to speak, and I appreciate the great deal of effort that our Judiciary committee folks have put into this bill.

I have had the opportunity, Mr. President, to sit for the past few years on the Legislative Oversight Committee on the Regional Jail and Correctional Facility Authority. We have month-after-month sat and heard the statistics. We have seen the statistics. They have been laid out in front of us.

The Senator from Nicholas and I represent an area in which we have Huttonsville Correctional Center, one of our larger prisons. We also have, I believe, two, maybe three, regional jails within our area. Mr. President, we have problems. We have problems that, basically, this bill just touches. But we have to do something. The question is: Do we want to continue to put people in prison and build—put another \$200 million into another prison in West Virginia?

Now, we've got situations here in West Virginia. I've also had the pleasure of sitting on, Senator from Berkeley, the committee that he put together for children and poverty. We see how the situation with poverty in West Virginia is also related to our prison population. We see how the problem with

truancy in schools is related to our prison population. We see how our problem with the dropout rate and the pregnancy rate and all these social ills that we have here in West Virginia and would like to take care of are related to our prison population. But we, as a governing body, can't cure our social ills. All we can do is take little steps to try and correct what we can.

The people that work in our prisons—especially the people that work in our regional jails right now—are in danger. We're holding the people that should be in prison in our regional jails right now. We have the kinds of problems in those regional jails that you're supposed to have in prisons. Except we're not equipped to take care of them. We don't have the programs. We don't have drug treatment. We don't have rehabilitation in those regional jails. Those are things that we have to address.

But, Mr. President, I stand here after looking at our problem with prison overcrowding for a number of years and say: This is a step in the right direction, and I certainly urge my fellow members to join me in a vote yes for this bill.

Relating to prison overcrowding

(Passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 371)

**REMARKS OF
HONORABLE
WILLIAM R. LAIRD IV**

Thursday, March 21, 2013

SENATOR LAIRD: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise today in strong support

of Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 371 (*Relating to prison overcrowding*) as a well-researched, thoroughly vetted, systemic and responsible public policy response to our very real and growing prison overpopulation problem in West Virginia.

As Cochairman of the Legislative Oversight Committee on the Regional Jail and Correctional Facility Authority for the past four years, we have been made well aware of this growing prison overpopulation problem and its potential consequences for the public safety of our citizens. Over the past decade, West Virginia has had one of the fastest growing prison populations in the United States. Between the years 2000 and 2009, our state's prison population grew at an average rate of 5.7 percent per year. By comparison, the national average increased 1.7 percent per year. Accordingly, the growth in the rate of our state's prison population has been more than three times higher than the national average. Most alarmingly, if left unchecked, projections are the population will continue to grow 45.7 percent by the year 2020, with an expected population of over 9,700 people behind bars in our state correctional institutions.

In an effort to put a Band-Aid on this problem, in the past several years we have undertaken a course of action to expand the capacity of our regional jails by retrofitting them to accommodate those state-committed offenders for which there is no room in our state correctional institutions. It is not without serious concern that I report to you that over 1,700 inmates, or approximately one-quarter of offenders sentenced to the care, custody and control of the West Virginia Division of Corrections are currently being housed in our regional jails throughout the state because the state prison system is full. One of the consequences of this short-term strategy has been to deny these inmates

the ability to access those treatment and program services required in order to make them parole eligible. Of further concern to our Oversight Committee has been more recent reports of increased instances of inmate-on-inmate and inmate-on-staff assaults occurring in our regional jails.

For these compelling reasons, it is clear that our legislative duties and responsibilities to the citizens of West Virginia require us to undertake a comprehensive and well-reasoned course of action to begin to address this serious problem and to do so in a manner that will not compromise the public safety of our citizens and the communities in which we live.

In the late spring of last year, much to his credit, Governor Tomblin chose to request the technical assistance and support of the nonpartisan Pew Center on the States and the Justice Center of the Council of State Governments to employ a data-driven justice reinvestment approach to reduce corrections spending and reinvest a portion of the savings generated in strategies that would increase public safety in our state. It is important to note that this same justice reinvestment approach has proven to be highly effective in achieving meaningful corrections reform in a number of states throughout the nation.

To guide this important effort in our state, a bipartisan, inter-branch working group was established. It has been my privilege to participate in the work of this group throughout this process. In the months following the establishment of the Justice Reinvestment Working Group, experienced research analysts collected and analyzed over 650,000 data records and conducted 100 in-person meetings with stakeholders and practitioners working within the framework of our criminal justice system. Engaged in this process which constitutes the foundation of this legislation were leaders and representatives from our law-

enforcement profession, crime victims, advocates and survivors, probation and parole officers, community corrections staff members, behavioral health and treatment providers, judges, prosecuting attorneys, members of our defense bar and all state agencies working within the framework of our criminal justice system. Ladies and gentlemen of the Senate, I would submit to you that the bill that is before us today is the final product of an inclusive, collaborative and consensus-building process that has been driven by careful review and analysis of the data necessary to properly frame this important issue.

While I will not burden you today by reviewing the specific provisions of this bill which have already been explained, vetted, discussed and acted upon by both the Judiciary and Finance committees of this Senate without dissent, I will make the observation that the true strength of this legislation and the real potential that it holds to begin to flatten and eventually bend the curve of our growth in population lies in the totality of the individual components contained within this bill. In approaching this complex problem, I have long recognized that there is no single silver bullet of a caliber high enough to solve this problem. For those who would maintain the costly alternative of a bricks-and-mortar solution to this problem, I would suggest that we would be back here in a few years still searching for other alternatives.

While the expansion of community-based sentencing options for nonviolent offenders will be helpful in flattening our population growth—that alone will not get the job done. While the application of graduated sanctions as an improved method for the handling of persons who violate the technical conditions of probation and parole will be helpful—that alone will not get the job done. While the development of effective substance abuse treatment programs within our state correctional facilities will be helpful—that alone will

not get the job done. While requiring post-release supervision as an effective method for offender reentry to the communities in which we live will be helpful—that alone will not get the job done.

Again, the strength of this bill can be found in the aggregate or the totality of the component parts. As this bill continues to advance through this legislative process, any effort to amend or dilute it will have the very real and serious consequences in our effort to flatten and eventually bend the curve in the growth of our prison population.

In conclusion, Mr. President, most of my work career has been within the criminal justice or law-enforcement profession. Throughout the years, I've been called a lot of things, but soft on crime isn't one of 'em. In our consideration of this important matter of public policy, the temptation may exist to posture oneself politically by pounding on your chest and proclaiming, "I'm tough on crime!" Within the context of my experience and career, I feel no need to do so.

What does concern and alarm me is the fact that our state prisons and regional jail system are busting at the seams. In the meantime, we continue to incarcerate nearly 900 offenders each year for nonviolent offenses committed by persons with no documented violent crime histories. At the same time, under our current system, we allow nearly 900 offenders to max-out their sentences and walk out the side door of our prisons each and every year with absolutely no form of community supervision whatsoever. This bill fixes that problem. In the end, I would maintain that this legislation would not only help to flatten the curve of our prison population growth but will also make us safer in the communities in which we live.

Mr. President, I encourage the passage of this legislation.

REMARKS OF
HONORABLE
JOHN R. UNGER II

Thursday, March 21, 2013

SENATOR UNGER: Thank you, Mr. President. It is with much regret and heavy heart that I am saddened today to report that earlier this week one of our former members, Senator Jae Spears, has passed.

Senator Spears, a Democrat from Randolph County, was first elected to the West Virginia State Senate in 1980 and served as a distinguished member of this body for 12 years. Before coming to the Senate, she served three terms in the House of Delegates. Her determination and dedication to serve her beloved region and the people of this Great State of West Virginia was only exceeded by her intellect, quick wit and elegance. Recently likened to the persona of Margaret Thatcher, the first female Prime Minister of Great Britain, Senator Spears' accomplishments in this Senate body included many unparalleled achievements.

She was the first woman ever appointed to the position of Senate Majority Whip, Senator from Fayette, making her the first woman to hold a leadership role in either legislative body. More importantly, she became the first and only woman to serve as Chairman of the Senate Finance committee, Senator from Marion.

Her public service has touched the lives of nearly all West Virginians and many throughout this country. She was one of three senators who wrote the bill authorizing the Rural Health Initiative, Senator from Boone. As an ardent advocate for the veterans and the National Guard, Spears' bill for employing and training

veterans—the first such legislation in the nation—earned her a national award from the U. S. Department of Labor and Veterans Affairs, Chairman of Military.

Senator Spears also served for many years on the Visiting Committee for the West Virginia University College of Medicine and on the State Board of Directors for the West Virginia Foundation for Independent Colleges. She recently was recognized for her contributions and support to Glenville State College when that college named their board room in her honor, Senator from Braxton.

Serving on numerous other advisory boards, councils and nonprofit organizations, she worked countless hours to improve the lives of disadvantaged women and impoverished families. Senator Spears was honored by the Governor of North Carolina with an environmental award for her work in protecting the West Virginia portion of the New River. She received awards from the Professional Educators Association and the West Virginia Association of Retired School Employees. She was named Woman of the Year by the National League of American Pen Women, and she received the Susan B. Anthony Award from the state organization of the National Organization for Women.

Although regrettably, Mr. President, Senator Spears will never again serve in the corridors or the committees of this upper chamber, this body may never know such a master of political skill and steadfast will—tempered with such charming laughter and disarming smile—yet the imprint and the memory of Senator Jae Spears will forever live on within the hearts and the lives of West Virginians for generations.

Thank you, Mr. President.

REMARKS OF
HONORABLE
CLARK S. BARNES

Thursday, March 21, 2013

SENATOR BARNES: Thank you, Mr. President, and thank you Majority Leader for the kind words for Senator Spears. You used the word “elegant” to describe Senator Spears—and she truly was an elegant lady. She made many contributions—not only the contributions of herself, but of a man she called The Colonel.

I now sit in the seat that Jae Spears sat in; and I’m honored to be representing Randolph County. She also represented much of the area that the Senator from Nicholas and I now represent in Webster and Nicholas counties.

We are proud to have had her. She was a very special lady. I will add another adjective to describe her. For those who served with her, I think you will agree. The word is colorful. She was a very colorful lady. Certainly we will miss her in Randolph County, and we will miss the influence that she had while she was living. But we will certainly continue to hear the stories, the many stories about Jae Spears.

Jae Spears, we miss you.

REMARKS OF
HONORABLE
H. TRUMAN CHAFIN

Monday, March 25, 2013

SENATOR CHAFIN: Mr. President, ladies and gentlemen of the Senate, I wanted to say this on Monday. Most of you probably went home back to your

district this weekend. When you go home, it's very interesting to see everybody and how things are going. I guess you get a thousand questions.

The Senator from Mercer and I are fighting very hard to get \$5,000 for some police cars in Welch. The mayor called me today; they need something for the fire department. We even have requests—like you all get—to keep the electricity going in Keystone, because they're behind on their electric bill. Not much money—Fort Gay needs a water line extension for people who can't get it for like 200 feet. You get those requests and I get them.

Then I watch the news. You all watch the news. We saw the United States Senate passed a \$3.7 trillion budget. A million dollars is a lot of money. We're asking for \$5,000 for little projects. A million is a lot.

A thousand million, Mr. President, is a billion. A thousand billion is a trillion. Those are numbers that are hard to comprehend. The next time you read about the trillion dollar budgets and deficits in Washington, think about your tax dollars.

It's a difficult number to understand. I think that we in these state legislatures are very passive about what's going on in Washington that so directly affects us all.

A billion seconds ago—just think what a billion is. I don't want to get into a trillion.

A billion seconds ago it was 1959.

A billion minutes ago Jesus was alive on the Earth.

A billion hours ago our ancestors were living in the Stone Age.

A billion days ago no one walked on the Earth, Mr. President, on two feet.

A billion dollars ago was eight hours and twenty minutes in Washington.

While this is still in your thoughts, let's take New Orleans. All of you know who Senator Mary Landrieu is from down in Louisiana. After that flood, Mr. President, she requested \$250 billion to rebuild New Orleans. Well, if that passes—it probably will—484,674 residents of New Orleans including every man, woman and child will each get \$516,528—if they get \$250 billion. Or, if you have one of the 188,251 homes in New Orleans, you will get \$1,329,787. Or, if you are a family of four, each of you will get \$2,066,012.

Hello, Washington, D. C. Can you hear us? We're not very far from you, but can you hear us? Are your calculators broken? The taxes that they have put on these states and people a lot like us. When we go home, we pay it.

Building permit tax, CDL license tax, cigarette tax, corporate income tax, dog license tax, federal income tax, federal unemployment tax, FUTA tax, fishing tax, food license tax, fuel permit tax, gasoline tax, hunting license tax, inheritance tax, inventory tax, IRS tax—that's a tax on top of the tax, IRS penalty tax—another tax on top of the tax, liquor tax, luxury tax, marriage license tax, Medicaid tax, property tax, real estate tax, service charge tax, Social Security tax, road usage tax for truckers, sales tax, recreational vehicle tax, school tax, state income tax, state unemployment tax, telephone excise tax, telephone federal tax, universal science fee tax, telephone federal, state and local surcharge tax, telephone minimal usage surcharge tax, telephone recurring and nonrecurring charges, telephone state and local tax, telephone usage charge tax, utility tax, vehicle license tax, registration tax, vehicle sales tax, water craft registration tax, well permit tax, workers' comp tax.

And to think—we left the British for our own rule. Not funny, is it?

Not one of these taxes existed 100 years ago, ladies and gentlemen. Our nation was the most prosperous in the world. We had absolutely no national debt. We had the largest middle class in the world. What happened?

Still have to press “1” to get English. You know what? The longer I stay here, the longer I go back home, the more that I beg for \$5,000 for a police car or something for a fire department, something for Welch—the more it bothers me.

I don’t know what our legacy is going to be when we leave here—these few years that we spend in these state legislatures—but, if all the state legislatures would stand together, we’d be a mighty switch. Right now, individually we are not much.

What’s the chance that you’re ever going to get Congress to pass term limits for themselves? You know what those chances are. The only other way you could do it is three quarters of the states would have to go together and request a constitutional amendment. If that were on the ballot, do you think it would pass? Probably would be about 99 percent that won’t, wouldn’t it?

I’m telling you. They need to come back and live here. They need to go home with me just for a weekend—or go home with you for a weekend—and look at the water line that the person up the creek doesn’t have and just reflect on some of this. What is a billion dollars? They don’t even talk about billions; they talk about trillions.

Thank you very much.

**REMARKS OF
HONORABLE
MITCH CARMICHAEL**

Thursday, March 28, 2013

SENATOR CARMICHAEL: Thank you, Mr. President, and thank you, ladies and gentlemen of the Senate, for allowing me a few brief remarks on an important issue facing our state.

Before I begin I want to sincerely thank each one of you for the remarkable manner in which my freshman colleagues and I have been welcomed into this wonderful assembly of public servants. I truly believe that, without regard to political affiliation, the Senate really is focused on improving our state. It really is an honor to serve with each of you.

My fellow Senators, I rise for the purpose of asking you a probing question: Would you rather have a great job or a cheap cigarette? The answer may seem obvious and somewhat even humorous, but our current state policies leave significant doubt.

Based on the fact that West Virginia has one of the lowest tobacco taxes in America and the highest tax on business machinery and equipment, any reasonable person would conclude that this state incentivizes smoking while discouraging jobs and capital investment. The truth is that current West Virginia policy is sacrificing the health of our citizens and productive jobs for a cheap cigarette. This flawed policy is inflicting damage on our citizens. This is an important issue, especially since our Legislature honored kids at risk today.

According to the federal Centers for Disease Control smoking directly causes the death of 4,000 West Virginia citizens each year. Tobacco kills more people in our state than automobile accidents, illegal

drugs, murders and suicides combined. In addition to the tragic loss of life, this report reveals the incredible economic cost that our state incurs. We spend about \$700 million to treat the illnesses brought on by smoking annually.

Mr. President, in terms of fundamental public health and pure economic impact, there is perhaps no issue that takes precedence over our policy decisions regarding tobacco taxation. Many on both sides of the aisle support a proven solution to tobacco abuse. The evidence is overwhelming that raising the price of tobacco products is the most effective way of deterring youth from smoking.

At the current price a \$1.25 increase represents only a 20 percent increase in the price of a pack of cigarettes. On your desk I have placed the state revenue projections for this initiative. The increase in tobacco taxes will yield \$140 million in revenue which can then be utilized to eliminate the job-killing personal property tax on business machinery and equipment. Virtually every economist cites this tax on business equipment as the single worst job-destroying scheme in our state.

Please note—please note this proposal is not a tax increase. It is a tax shift. I'm going to say that again: It's not a tax increase; it's a tax shift. Rather than imposing an onerous tax on machinery that creates jobs, let us shift toward a pro-growth model that incents job creation. As the gentleman from Mingo suggested in his remarks, I think it was on Monday, this society is already overtaxed. We don't need additional taxes.

My fellow Senators, by discouraging smoking, higher cigarette taxes prevent the next generation from ever getting started—saving thousands of lives and millions of dollars in health care costs. By reducing the tax on business equipment, new jobs and prosperity will be created. This concept

realizes the dual benefits of promoting public health and economic prosperity. It's a win-win scenario.

Please take a look—I know the time is late and maybe this year is not the time—but as you contemplate how you structure our state tax revenues in the future, please take a look at Senate Bill No. 618 (*Creating Tax Revenue Act of 2013*) that develops a framework for this tax shift plan. Mr. President, with this measure we can significantly improve the health of our West Virginia citizens and energize our economy.

Thank you.

**REMARKS OF
HONORABLE
DONNA J. BOLEY**

Thursday, March 28, 2013

SENATOR BOLEY: Thank you, Mr. President. I need to talk about a couple issues today.

About three weeks ago, I was approached by constituents in my district—mostly Wood County. They had two concerns. One was what did I know about common core standards. The Senator from Wayne was good enough to bring someone from the State Department of Education in front of our committee, and we learned a little bit about the common core standards.

I have sort of a statement here that someone gave me. It says: The common core state standards which CCSS is short for are a set of academic standards written, promoted and supported by two private membership organizations—the National Governors Association (NGA) and the Council of Chief State School Officers (CCSSO)—as a method for conforming

American students to uniform or one-size-fits-all achievement goals to make them more competitive in the global marketplace.

Federal law prohibits the nationalization of curriculum. All states were enticed to adopt the CCSS in order to receive Race to the Top grants financed by stimulus funds. The NGA and CCSSO in concert with the same corporations developing the CCSS assessments have created new textbooks, digital media and other teaching materials in line to the standards which must be purchased and adopted by local school districts in order that students may effectively compete on CCSS assessments. The Gates Foundation contributed \$27 million to developing the common core state standards. The Gates Foundation—Bill Gates, Microsoft—probably will benefit from this.

One of the things I found out from the gentleman from the State Department of Education is that this Legislature had no input into the standards. On May 14, 2010, the State Board of Education adopted these policies. I don't know that anyone from West Virginia other than maybe a committee that was set up from teachers, maybe some State Department of Education people, had any input into those standards. I would like for this Legislature to take a better look at common core standards to see why we have it, who all was involved and who's going to benefit from the common core standards.

Another issue that goes right along with this—I put the article on your desk today. It says: Bill Gates' Hundred Million Dollar Database to Track Students. I'll read you a couple paragraphs:

“Over the past 18 months, a massive \$100 million public-school database spearheaded by the \$36.4 billion-strong Bill and Melinda Gates Foundation has been in the making that freely shares student information with private companies. The system has been in operation for several

months and already contains millions of K-12 students' personal identification . . .” If you have your article, you can read “. . . ranging from name [of the student], address, Social Security number, attendance, test scores, homework completion, career goals, learning disabilities, and even hobbies and attitudes . . .”

So, I connected the two—the common core and the database—to the Gates Foundation. They have funded both of them. Some of the questions on the database I have . . . I'm asking for your help in trying to get these answers. Are West Virginia's students in this database? We know there is a database and we know that our Board of Education adopted that. Did parents give their permission for their students' privacy information to be given and put in this database? Is this a violation of FERPA (Family Educational Rights and Privacy Act)? Can students and parents opt out if they want to?

I would really appreciate your help in trying to study this information and see what's going on so I can go back to my constituents and tell them.

Thank you very much.

Creating WV Feed to Achieve Act

*(Passage of Engrossed Senate
Bill No. 663)*

REMARKS OF
HONORABLE
JOHN R. UNGER II

Friday, March 29, 2013

SENATOR UNGER: Thank you, Mr. President. I'll be brief on this.

This came from the audit with the Select Committee on Children and Poverty. As I mentioned earlier as we went out into the communities, we saw that one of the biggest issues is that children are not necessarily getting the nutrition they need in order to prepare for school. As has been said before on this floor, we can have the best schools, have the best teachers, have the best curriculum, the most modern technology and that child sitting in the seat; but if that child is hungry, then mentally they are not there and student achievement will not occur.

Research shows that when a child, particularly from birth to eight, is nourished student achievement goes up, attendance goes up, tardiness goes down and all the other behavioral problems that lead to other issues later on go down. This bill will make sure that every child is ready to learn.

I just want to mention one other thing. On this Good Friday, Senator from Marion, the Pope, the new Pope, Pope Francis, did something extraordinary yesterday that's never been done before. Normally on Holy Thursday the Pope will wash the feet of retired priests—twelve of them in order to symbolize the twelve disciples. But this Pope did something extraordinary. This Pope went into a child detention center and washed twelve children's feet. It's never been done before.

It reminded me of all the stories we heard as we were going out into the communities. The little boy, Senator from Hampshire, with the apples. How during the time when given a bag of apples that child literally petted it—like a pet—and held onto it. Children that would take food home in order for their brothers and sisters to be able to eat. We heard over and over these types of stories.

But it reminded me on this holy Good Friday of the story of the masses of the feeding of the five thousand. We've

all heard the story. Mr. President, this particular story is very unique; because it's one of the very few stories that you find in the four Gospels—all four Gospels. Even the birth of Christ story is not in all four Gospels. But this story is. It's about the magnitude of five thousand that had come and Christ said we are going to feed. They took five loaves and two fish. He blessed it and he spread the people out. The people ate and they were filled. At the end there were twelve baskets that were received. Now, the story goes—some theologians suggest—that the true miracle wasn't the fact that Christ multiplied the five loaves and the two fish. But in essence, as that basket was being passed around, people would contribute what they had into those baskets—each and every one. The entire community came together to make sure everyone there was fed.

I say to you, Mr. President, the one thing that's not mentioned in all four Gospels but only in the Gospel of John—where did the five loaves and two fish come from? In the Gospel of John, it says: Philip said to Jesus, "The [sic] hundred days' wages worth of food would not be enough for each of them to have a little bit." So, what happened is Andrew, the brother of Simon Peter, brought forward a boy who had the barley loaves and the two fish. Mr. President, that was a little boy that brought that meal.

And then, as the disciples were going back and forth arguing among themselves of who would be the greatest among them in heaven, Jesus called the children to himself and said: Let the children come to me and do not prevent them for the kingdom of God belongs to such as these. I say to you whoever does not accept the kingdom of God like a child will not enter it.

Mr. President, I urge the passage of Engrossed Senate Bill No. 663.

**Requesting DOH name portion of State
Route 20 in Wyoming County
“David and Janet Lee Memorial
Highway”**

*(Adoption of Senate Concurrent
Resolution No. 18)*

**REMARKS OF
HONORABLE
H. TRUMAN CHAFIN**

Monday, April 1, 2013

SENATOR CHAFIN: Thank you, Mr. President. Ladies and gentlemen, we are very honored today to have David and Janet Lee’s family here. All of you know his son, of course, Dale Lee who is President of WVEA here in the back of the Chamber with his brother and his family.

For those of you all who do not know David and Janet Lee, we’re going to name this little highway for them in front of their house—from the McDowell County line to about a mile down in Wyoming County past their home. They were wonderful people. You heard the resolution about how he was a teacher and coach—how she was a great lady and a cook. I had the pleasure of knowing both of them as did the Senators from Raleigh and Wyoming. Former Senator Bailey is here with them. Ladies and gentlemen, there’s just no finer people than this teacher and coach and his lovely wife.

I’ll make a couple of remarks. Ready or not, some day it’s all going to come to an end for us, too. There will be no more sunrises, no more minutes, hours or days. Your wealth, your fame, your temporal power will shrivel to irrelevance. The wins and losses that seem so important to us today will fade away quickly.

So, what will matter? How will the value of your days be measured?

What will matter is not what you bought but what you built. David and Janet Lee built a wonderful life there in Wyoming County. Not what you got but what you gave. He was a giver, a teacher, a coach. She was the same. She always gave to that community. What will matter is the acts of integrity and compassion and courage, Mr. President, that you had. They were filled with integrity, compassion and courage. They enriched so many people’s lives and they encouraged others to follow their example. What will also matter is not your competence but your character. No higher character than Dale Lee’s father, David Lee—a man of high character. What will matter is not how many people you knew, but how many people will feel a lasting loss when you are gone. I can’t tell you how many people—the other senators can tell you—how many people miss those two people there in Wyoming and McDowell counties. What will matter is not your memories but the memories of those who loved you. So many people loved both of these people. What will matter is how long you will be remembered, by whom and for what.

Ladies and gentlemen, living a life that matters does not happen by accident. Mr. President, it’s not a matter of circumstances but of choice. David and Janet Lee chose to live lives that mattered. It’s always been said that one man or one woman with character is a majority. Here we had two.

It’s my high honor to speak on behalf of David and Janet Lee and tell you personally how I sat in their home in their kitchen and how she cooked for us. What a wonderful lady and what a wonderful coach and teacher he was. So, it’s my honor, Mr. President, to speak on behalf of this resolution.

Thank you.

**Memorializing life of Honorable
Ursula Jae Spears**
(Adoption of Senate Resolution No. 52)

REMARKS OF
**HONORABLE
H. TRUMAN CHAFIN**

Tuesday, April 2, 2013

SENATOR CHAFIN: Thank you, Mr. President. I just want to take a moment to speak to the resolution. Probably not many of you had the chance to serve with the Honorable Jae Spears. I think the Senator from Pleasants and I did, lawyer Tom Smith—I know he was here. I was Judiciary chair the first year she was the Finance chair.

Senator Spears, ladies and gentlemen, did not follow where the path led. She was a person who instead went where there was no path and left a trail. She was the first woman that, I think, ever served as the powerful Finance chair. She was one of those people who, once you met, left a lasting impression on you.

I've got about four things—I was looking through my book the other day—that kind of reminded me of Senator Spears.

The greatest legacy one can leave is having lived a good life. By all measures, when she died—she was 90 years old—she indeed had led a good life.

It's more blessed to give than to receive. That sort of describes her, too.

No person was ever honored for what they received; they were honored for what they gave. She was a giver. She was a tireless giver almost to everyone.

And, lastly, for one human being to love another is perhaps the hardest, most difficult of all tasks. She told me several times, Senator from Ohio in the back, that she actually loved everyone in this Senate that she served with and wished them well.

She was just that kind of great lady. She was a lady of prominence, a lady of stature. I am so honored to be here on the floor today, Jim, to say some nice words about your great mother. God bless you.

**Exempting certain school mascot from
prohibition of firearms possession on
school grounds**

*(Passage of Engrossed Committee
Substitute for Senate Bill No. 421)*

REMARKS OF
**HONORABLE
DAVID C. NOHE**

Tuesday, April 2, 2013

SENATOR NOHE: Thank you, Mr. President. This bill creates an exemption to the law against possessing a deadly weapon on school premises for the official mascot of the Parkersburg South High School, commonly known as The Patriot, acting in his or her official capacity.

The Patriot mascot and the replica of the Revolutionary period musket have been a tradition at Parkersburg South for nearly a half century. I think it's appropriate this time, when this session has dedicated so much to bettering and enhancing the education system, to look at programs like this that bring students, parents and faculty together to participate in competitive events, in school events.

I look at the State Motto of this Great State of West Virginia, that Mountaineers are always free. I believe that this should also be The Patriot, the symbol of the Revolutionary War, the founding of America, that they should always be free in the Great State of West Virginia. With passing this bill, it will mean that this musket will never be silenced again.

I urge passage.

Recognizing Honorable Gaston Caperton

(Adoption of Senate Resolution No. 57)

REMARKS OF
**HONORABLE
ROMAN W. PREZIOSO, JR.**

Thursday, April 4, 2013

SENATOR PREZIOSO: Thank you, Mr. President. Ladies and gentlemen of the Senate, it's our distinct pleasure today to have former Governor Gaston Caperton in our chamber. There are many stories that I'm sure most of us can tell about the Governor. He arose from a virtual unknown in the early nineties to become one of West Virginia's most famous and outstanding governors.

I had the privilege that year, 1989-90, when Governor Caperton came into office after he was first elected. Believe me, those eight years were probably the most progressive, unusual years that I could ever remember. As for most of you who could remember, the Senator from Mingo, maybe the Senator from Pleasants and our Clerk, the state was virtually bankrupt.

Governor Caperton, a young businessman, came into office and put

forth many ideas that we live by today—our governmental structure and cabinet structure that we have. He was truly a visionary. He had the ability to know how important our education system was and, today, we consider him our “Education Governor”. He had the foresight to put the basic skills education program, a computer in every school. He led us into the technology age. He developed the School Building Authority.

Our financial stability back then was pretty tough as you can remember. We couldn't even pay our bills; but due to Gaston Caperton, we now have sound financial stability. Many of the programs that he put in place are now the ones that we lead by: The Rainy Day Fund, he shored up our pension fund, our Investment Management Board, led us into government reform, our ethics laws and things of that sort that make West Virginia one of the most sound fiscal states in the Union.

The Hi-Y Youth Leadership is proud to have him as our Man of the Year and he'll always be my Man of the Year.

Thank you, Governor, for all you did and all you continue to do for the State of West Virginia.

Thank you, Mr. President.

Recognizing Honorable Gaston Caperton

(Adoption of Senate Resolution No. 57)

REMARKS OF
**HONORABLE
ROBERT H. PLYMALE**

Thursday, April 4, 2013

SENATOR PLYMALE: Thank you, Mr. President. You know, as a business person, the first time I really spent any extensive time with Governor Caperton was when we took a business mission to Japan. That's the time when we named Nagoya as the headquarters which was unheard of—every place had had Tokyo as their headquarters. It was a bold move, but I knew that it was a good move when we met Mr. Toyota. Smart move. Smart move, Governor.

But, you know, I was here during the critical financial crisis right after the ones the Senator from Marion was talking about and I saw the changes that were made in education, but particularly in the pensions. As Pensions chair for a number of years, I know your leadership will always be remembered for education, for financial stability and for pension reform and, actually, for paying our pensions which was a novel idea.

I appreciated and I've always recognized you as a dear friend.

Recognizing Honorable Gaston Caperton

(Adoption of Senate Resolution No. 57)

REMARKS OF
**HONORABLE
LARRY J. EDGELL**

Thursday, April 4, 2013

SENATOR EDGELL: Very briefly, Mr. President and the body. I was one of the teachers in those days. My wife and I were teachers that probably would have not stayed in the profession, because we were borrowing money to pay our doctor and pay our hospital bills.

After Governor Caperton came into office we started seeing improvement, I mean, it changed our whole life; because of the things the Governor granted to the teachers in those days. I am forever appreciative of him.

Thank you, Governor.

Improving boat dock and marina safety

*(Passage of Engrossed Committee
Substitute for House Bill No. 3020)*

REMARKS OF
**HONORABLE
SAMUEL J. CANN**

Saturday, April 13, 2013

SENATOR CANN: Thank you, Mr. President. I rise just for a moment to speak to why we are doing this bill today. Back in 2010, on Memorial Day, a young man by the name of Michael Cunningham—who was a sophomore at Bridgeport High School, a good student, good athlete, friend to many, good son to his parents Kevin and Amy—tragically passed away when he dove into the waters at Stonewall Lake off a dock and because of a problem with the wiring around the dock in the water.

You know, up until today actually, we do not have any laws that address this issue in our state code—no statement of the need to look out for it, we need to make sure it doesn't happen again. Clearly there is a need to better regulate boat docks and marina safety and require better trained electricians to wire and inspect these types of facilities. That is what has precipitated this legislation. As we go forward, we may need to do more but first let it evolve to make sure we protect the many, many

people who swim and use our beautiful lakes and rivers around the State of West Virginia.

I also want to make clear—because there has been a lot of publicity around this in recent days blaming this body for killing this bill. I want to say something about my good friend from Fayette, Senator Laird. When he received this late on Thursday last week, he didn't have a chance to look at it, I think, til Friday or Monday of this week. The Senator from Braxton, Senator Facemire, was involved; he was aware of it and both of them were made aware of the problems with the bill. There were some issues with the bill.

Though I believe the bill was done with the very best of intent, with the very best of hopes to get good legislation through here; but as it was studied, as staff looked at the bill, the bill spoke about things such as Boat and Yacht Council laws that our electricians needed to be familiar with or certified by those people. Upon searching, staff found no such people in the State of West Virginia. They could not find what those standards and terms meant or what they would create.

On the day the bill came before the committee, the committee members thought everybody was ok with taking this issue and studying it through interims and making sure that we get it right. During that time Kevin and Amy Cunningham, Michael's parents, were there to testify. As Mr. Cunningham did so, he mentioned a law in Arkansas he thought might work.

Once they left, we began to discuss this issue among members of the committee. When it was brought to my attention, I met with Senator Laird and his counsel, and his counsel did some research and found the Arkansas law. This is built on that. There were several members of the Judiciary committee that helped perfect it into its current form.

I think that these folks—everybody who was involved who tried to take this bill and make it right not only for Michael and his family so that we have something to commemorate what happened; but we also have a piece of legislation that we could utilize and regulators can understand what it means, our electricians know what it means and our boat dock owners know what it means and know what we have to do from this point forward. So, that's why I rise in favor of this. I wanted people to know it.

I want to end with a little bit of the preamble that's in the bill itself, which is very unusual. We don't do this very often. I think it's fitting on this occasion.

The Preamble will read: This legislation shall be known as the "Michael Cunningham Act".

Whereas, West Virginia is known for its beautiful and abundant waterways, lakes and rivers, which provide a draw for tourism and a booster for our economy; and

Whereas, Our waterways, lakes and rivers should be a safe place for our children and families to enjoy; and

Whereas, There have been cases recently where children have died because the water where they were swimming was electrified by the ungrounded and improper connection of electricity to boat docks and marinas; and

Whereas, Electricity and water create a deadly combination that can paralyze a swimmer which can result in that swimmer drowning; and

Whereas, Our children who are swimming are particularly vulnerable to electrocution and shock in the water; and

Whereas, Bringing boat docks and marinas up to the National Fire Protection

Association and Electric Code Standards is necessary for the protection and safety of all those who enjoy our waterways, lakes and rivers for recreation and to protect our children and our tourism.

Folks, I urge 100 percent passage on this bill.

**Continuing Municipal Home
Rule Pilot Program**

*(Adoption of Committee of Conference
Report for Engrossed Committee
Substitute for Senate Bill No. 435)*

**REMARKS OF
HONORABLE
BROOKS F. MCCABE, JR.**

Saturday, April 13, 2013

SENATOR MCCABE: Mr. President, I'm very respectful of the committee of conference process and the participation of our conferees. I truly appreciate the work that they have done, but I have a number of concerns that I think need to be brought to the attention of the full Senate.

I might point out that today is opening day for Little League baseball. Come Memorial Day, we will have the opening of all the swimming pools. This bill, in many ways, is about guns in parks and pools. This bill allows individuals to carry weapons into ballparks and pool facilities owned by municipalities.

If I was to summarize the discussions today—not the bill itself—but the discussions today on Engrossed Committee Substitute for Senate Bill No. 435, it's about looking at the issues that relate to pro-gun and anti-gun agendas. The discussions today have

very little to do with the economic and community development of municipalities. It has very little to do with what we need to cause to happen to have our cities grow. The discussions today really did not focus on how we can help cities help themselves. The discussion today was largely on guns and gays and to that I take offense. Our cities are crying out for assistance and we divert our attention to these hot-button issues.

I think we have been manhandled by special interests. To be blunt: We are pandering to special interests to the detriment of our cities. We have to pay attention to the viability of our cities. Home rule is about an attempt of the cities to help themselves. The discussion today was not about the cities helping themselves. It was about guns and marriages and divorces, i.e., gays. These are special interests trying to take a vehicle that is desperately needed and use that as a platform to expand their own agenda. I take offense to that.

I have talked to the mayor from the City of Charleston, members of City Council. I am aware of the police chief's position and the sheriff of my county's position. I have talked to several of the CEOs of the hospitals in my city. They are not in favor of these types of additions to this legislation.

I am particularly talking about the regulations we are imposing in relationship to guns. I am told we are all out to protect our Second Amendment rights. My question to the Senate is: Where does the Second Amendment say that municipalities cannot provide for the safety of their children in municipal parks and community swimming pools? That's what this bill imposes on municipalities and cities, some of which already have legislation dealing with this matter. These proposed changes negate those ordinances that are in place. That's not about Second Amendment rights; that has nothing to do

with Second Amendment rights. But that is the argument. We are being told to impose these types of constraints on municipalities.

I think this is unfortunate. This isn't about economic development; it's not about community development. Again, we are being co-opted by special interest groups to implant their agenda on guns and gay rights into what, I think, is a very important piece of legislation in municipal home rule.

Rome is burning. Our cities are in trouble. Yet, we are fiddling away with guns and marriage issues. We need a laser focus on economic and community development issues—not creating an expanded platform for hot-button social issues. We are being co-opted whether we realize it or not.

Are we really doing the best that we can to help our cities by putting these limitations in this bill? I am not challenging anyone's intentions. I'm just saying that we are superimposing special interests into legislation that is vitally important. We've got 19 restrictions in this bill, and this bill is supposedly designed to give local control to our communities. Yet, we are imposing 19 things that we don't want them getting near—some of which I think are important. I'm not challenging everything that is in these 19 restrictions. I'm just saying we are cautious to excess.

We want our cities to succeed, but the question I have for the ladies and gentlemen here is: Do we have the will to let them try in earnest to solve their problems? Or, are we going to take every chance we can find to let special interests superimpose their agenda on our cities? I think that's what we're doing. I'm not pleased with it. I think we have to proceed with home rule. It is a chance for our cities to do better. But we are taking a good piece of legislation and letting ourselves as a Legislature, in my opinion, be unfairly and inappropriately

manipulated in a way that is not in the best interests of our cities.

We have much to do. The cities are trying hard to become economically viable. They are threatened, whether you realize it or not—and I know most of you do. But, if we really truly understand how threatened they are, why are we allowing this kind of other agenda interfere with what, I think, is one of the more important economic development pieces of legislation that we have brought forward this year?

Let me read to you what is in this bill—just this one small piece of it “. . . municipalities participating in the Municipal Home Rule Pilot Program, pursuant to this section, shall not restrict in any manner the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any revolver, pistol, rifle or shotgun, or any other firearm, or any ammunition or ammunition components to be used therewith, or the keeping of gunpowder so as to directly or indirectly prohibit the ownership of the ammunition, or, to restrict in any manner the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any other firearm accessory or accouterment, under any order, ordinance or rule promulgated or enforced by the municipality.”

That's what we're telling our municipalities. Several of them have ordinances that this directly contradicts and negates. We're talking home rule; we're talking about giving our municipalities more ability to solve their problems. At the same time, we giveth and we taketh. What we are saying is: We are sorry. We are not going to allow you to protect our children at a swimming pool or at a ballpark, because we feel that we have to follow special interests that, for some reason, are more important to us than the children that our city councils and mayors are trying to protect in the cities.

Is this good policy? I think not.

Thank you, Mr. President.

**Continuing Municipal Home
Rule Pilot Program**

*(Adoption of Committee of Conference
Report for Engrossed Committee
Substitute for Senate Bill No. 435)*

REMARKS OF
**HONORABLE
COREY PALUMBO**

Saturday, April 13, 2013

SENATOR PALUMBO: Thank you, Mr. President. I rise to support Engrossed Committee Substitute for Senate Bill No. 435 but reluctantly.

This bill, as my colleague mentioned, now contains 19 restrictions on what municipalities can do. The current version of home rule legislation contains five. Cities in the current program can't violate the constitutions of the United States, West Virginia, federal law or criminal laws and pension laws. That's it. Other than that, they can impose their own will as they see fit. This version of home rule adds 14 other categories.

Make no mistake about this bill. This bill is home rule lite. This is: We trust you municipalities, but we don't trust you very much. We don't trust you very much at all.

I'm going to still support this bill, because home rule lite is better than no home rule at all . . . but just barely.

**Continuing Municipal Home
Rule Pilot Program**

*(Adoption of Committee of Conference
Report for Engrossed Committee
Substitute for Senate Bill No. 435)*

REMARKS OF
**HONORABLE
ERIK P. WELLS**

Saturday, April 13, 2013

SENATOR WELLS: Thank you very much, Mr. President. As my colleague from Kanawha, the Junior Senator from the Seventeenth, I'm also going to rise in support of Engrossed Committee Substitute for Senate Bill No. 435. I want to be clear for not just the members in this body—but for people who are listening and people who will read this—where Erik Wells as an individual stands when it comes to a person's ability to have a firearm on them in a concealed manner.

This is my concealed weapon permit. I support the right of West Virginians to have a concealed weapon. This is mine. I strongly support the Second Amendment to the Constitution of the United States. This is my other card I carry in my wallet that nobody else in this chamber has. This card says I don't just support the Second Amendment to the Constitution, but I support every amendment to the Constitution. This card [Military Identification Card] says I am willing to give every devotion of my life, every drop of my blood to defend the Constitution of the United States.

I do get offended, as the Senior Senator from the Seventeenth said so eloquently: What are we doing? You know, I hear from my Republican colleagues about how we're doing so poorly in the economy. West

Virginia needs to get going again. Some may even say West Virginia just needs to get going.

Here we have an opportunity to do something. What do we do with it? We put in wedge issues because people are more concerned—not about the next generation—but are more concerned about the next election.

Who gives special interests their power? We do. We give them the ability to influence us and for some folks, to scare us. I have voted for the NRA issues; I have voted against the NRA issues. And I am going to continue to do that. I'm going to vote for what I think is in the best interest of my district and my state.

I wonder. Every session I come with renewed hope and inspiration that we'll do the right thing. Usually there's one or two issues where, come the end of the day, I think we will have missed the mark on. This is one of them.

Home rule is important. The Second Amendment is important. The First Amendment is important. The Fourth Amendment is important. What we do here is important.

I often wonder why West Virginia doesn't move forward as much as I think we should. You'll have some people who will say, we need to change our tax system. No, we need to deal with tort reform. No, we need to deal with education. Oftentimes, it's just a matter of we need to have more leadership. We do really need to be concerned about the next generation and not the next election.

Second Amendment? Absolutely, I'm there. The whole Constitution? In my last breath, I'm there.

We just need to be better leaders.

REMARKS OF
HONORABLE
MIKE HALL

Saturday, April 13, 2013

SENATOR M. HALL: I just want to take a minute. We vote for these bridge resolutions and usually I do not know who the folks are; but they are certainly precious to their families and whomever knew them. One of them was for Larry Border.

Larry was a delegate when I began my service in the House in 1995. Larry was a dear soul. He loved this process. As we'd get to the last day or two of a session and things would kind of get confused I remember—I will never forget—watching Larry get that glimmer in his eye and he'd say, "Well, there's a train wreck." I haven't heard that remark this session. He just loved this process.

Of course, his wife Anna, his widow, is now serving in the House and she's remarried.

I just didn't want the moment to pass to acknowledge the sadness that I felt when he passed on. It was sudden; it was unexpected. He had a heart attack.

I remember when I was the Minority Whip in the House—it's one thing I will always remember about Larry—obviously, we don't do much of this in the Senate, but in the House we were notorious for trying to count votes. Trying to find out, you know, who was doing what. Obviously, the Speaker would sometimes want to know how many Republican votes we had so he could let his people go on some sort of controversial vote. I would go to Larry and, I will never forget, the answer was always the same: Undecided. I finally told Larry, I said: Brother, when you pass on, we're going to put that on your tombstone. I think it was decided in his favor.

He was a good Christian brother. I just didn't want the moment to pass without acknowledging what we've done tonight. As a proxy for his family, I'm thanking you, the Senate, for adopting this resolution tonight.

I appreciate the time to express these comments and remarks about Larry.

Thank you very much.

REMARKS OF
HONORABLE
CLARK S. BARNES

Saturday, April 13, 2013

SENATOR BARNES: Thank you, Mr. President. I rise this evening first of all to say thank you to my fellow colleagues here in the Senate—out of some frustration, though. I think it's appropriate here in the last few minutes to maybe express the frustration that I have and that maybe some share.

What I want to say thank you for is, as you remember, I had a project. I had a bill that involved Pendleton County, one of the counties that I represent—one of the smallest counties in the state. As you recall, we had a project over there that involved a golf community with a thousand homesites. What we had attempted to do was allow an investor—a company that was associated with well-known figure Lee Iacocca—who was willing to bring \$60 million to this county and invest it here in West Virginia. What they had asked for was a small rural casino to jump-start this housing and golf community project.

Mr. President, as I recall—and I could be wrong about this—but as I have reviewed the bills, the thousands—over 2,000 bills which have been introduced in these last

two months—I only found two bills that I felt were job creation bills. Two bills! This was one of them. Unfortunately, our system, although it works well most of the time, this did not occur.

I want to thank my colleagues here in the Senate, because you passed it—and you passed it quickly. I want to thank the Chairman of Judiciary for running it although his personal convictions were not necessarily to allow the expansion of gaming. I want to thank the Chairman of Finance for running the bill. He's a man of his word—and he had never voted for a gaming bill. I appreciate what those gentlemen did, and I appreciate what you did.

But, you know, it's a shame when tonight we are also held hostage by the House of Delegates and the leadership thereof on a bill in Monongalia County which could create maybe 1,500 or 2,000 jobs—a TIF bill. That was the other job creation bill. We have dealt in this house and we have dealt in this Legislature with menial things. You know what I am talking about. I don't have to identify what they are. We've changed the language here; we've done a little bit here. And we've done some important things.

But, you know what: To the people of Monongalia County and to the people of Pendleton County—the people that we represent, the people that we were sent here to represent—those people are disappointed tonight.

We could have taken a county like Pendleton County who was a dependent county to the school system. It was a dependent county who in that school system for years we've been sending extra money—thanks to our Chairman of Education—to help them make it on their own. If this bill would have passed, we would have had the opportunity to transform Pendleton County. It would have been so great ten years from

now to drive through Pendleton County and not see a county which was dependent but to see a county that was contributing, contributing to the revenue and the income. People wouldn't have to be driving over across the state lines anymore for jobs. A thousand homesites! It wasn't about gaming, folks; it was about economic development—true economic development!

But the system worked against us. The big boys decided they didn't want it. The big boys of gaming and a few people who lobby in this building were able to constrict and to keep the people of Pendleton County from having the opportunity that they needed to have. Folks, I can't say what's holding up the TIF bill over on the other side. But I want to tell you this evening, of all the things that we could have done positive in this body and in this Legislature this year, we could have created a few jobs—but the opportunity is passed. We have seven minutes. And what will we do with those seven minutes? Well, let's find out.

Thank you.

SENATE ABSTRACT INDEX

1. Senate Bills Passed by Legislature (total of 106)	2716-2728
2. Senate Concurrent Resolutions Adopted by Legislature (total of 31)	2728-2731
3. House Bills Passed by Legislature (total of 110)	2731-2744
4. House Concurrent Resolutions Adopted by Legislature (total of 72)	2744-2751
5. Senate Bills Vetoed by Governor	2752
6. House Bills Vetoed by Governor, Amended, Repassed Legislature, Approved by Governor	2752
7. House Bills Vetoed by Governor	2753
8. Senate Bills Died in Conference	2753
9. Senate Bills Introduced	2753-2829
10. Senate Joint Resolutions Offered	2829-2830
11. Senate Concurrent Resolutions Offered	2830-2839
12. Senate Resolutions Offered	2840-2847
13. Senate Bills Passed by Senate and Communicated to House	2847-2855
14. Senate Concurrent Resolutions Adopted by Senate and Communicated to House	2855-2857
15. House Bills Passed by House and Communicated to Senate	2857-2883
16. House Concurrent Resolutions Adopted by House and Communicated to Senate	2883-2902
17. Topical Index of Senate Bills	2903-2947

HISTORY OF BILLS AND RESOLUTIONS CONSIDERED BY SENATE

(This symbol * indicates Committee Substitutes.)

SENATE BILLS PASSED LEGISLATURE

- *21. By Sen. Stollings, Jenkins and Kessler (Mr. President) - **Creating Health Care Provider Transparency Act** - Passed 4/13/13 - To Governor 4/26/13 - Vetoed by Governor 4/29/13
- *22. By Sen. Stollings, Jenkins, Kessler (Mr. President), Miller and Beach - **Requiring maternity services coverage for all health insurance plan dependents in certain circumstances** (original similar to H. B. No. 2383) - Passed 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 104, Acts, Regular Session, 2013
- *60. By Sen. Tucker and Fitzsimmons - **Relating to name-change notice publication requirements** - Passed 4/11/13 - To Governor 4/15/13 - Approved by Governor 4/18/13 - Chapter 48, Acts, Regular Session, 2013
- 65. By Sen. Tucker, Miller, Sypolt and Williams - **Exempting PERS retirement income of DNR police officers from state income tax** (original same as H. B. No. 3014) - Passed 4/12/13 - To Governor 4/23/13 - Vetoed by Governor 5/3/13
- *71. By Sen. Sypolt, McCabe and Williams - **Requiring descriptions of easements and rights-of-way include width in addition to centerline; exception** - Passed 4/11/13 - To Governor 4/15/13 - Approved by Governor 4/18/13 - Chapter 53, Acts, Regular Session, 2013
- *74. By Sen. Sypolt - **Relating to jury service qualification** - Passed 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 110, Acts, Regular Session, 2013
- *80. By Sen. Edgell - **Including substitute teaching in job duties of certain professional educators employed by county boards** - Passed 4/9/13; Effective July 1, 2013 - To Governor 4/15/13 - Approved by Governor 4/17/13 - Chapter 62, Acts, Regular Session, 2013
- 82. By Sen. Snyder, Blair and Unger - **Relating to public service district board membership** - Passed 4/13/13; Effective July 1, 2013 - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 163, Acts, Regular Session, 2013

- *101. By Sen. McCabe, Cann, Miller, Jenkins and Barnes - **Clarifying Medical Professional Liability Act applies to nursing homes and their health care providers** (original same as H. B. No. 2391 - similar to S. B. No. 24) - Passed 4/13/13; Effective July 1, 2013 - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 142, Acts, Regular Session, 2013
- *103. By Sen. Snyder, Miller and Beach - **Creating WV Commuter Rail Access Act** (original same as H. B. No. 2879) - Passed 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 31, Acts, Regular Session, 2013
108. By Sen. Laird, Stollings, Jenkins, Plymale and Miller - **Creating Fatality and Mortality Review Team** (original similar to hb 2288) - Passed 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 82, Acts, Regular Session, 2013
- *145. By Sen. Unger - **Amending election complaint procedures** (original same as H. B. No. 2091) - Passed 4/9/13 - To Governor 4/15/13 - Approved by Governor 4/19/13 - Chapter 69, Acts, Regular Session, 2013
- *146. By Sen. Unger and Beach - **Collecting unpaid magistrate court charges through income tax refund withholding** - Passed 4/13/13 - To Governor 4/26/13 - Approved by Governor 5/1/13 - Chapter 125, Acts, Regular Session, 2013
- *158. By Sen. Beach and Stollings - **Creating Complete Streets Act** (original same as H. B. No. 2494) - Passed 4/10/13 - To Governor 4/15/13 - Approved by Governor 4/19/13 - Chapter 33, Acts, Regular Session, 2013
- *172. By Sen. Kessler (Mr. President) - **Relating to nonintoxicating beer distributor licensees** (original similar to H. B. No. 2448) - Passed 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 140, Acts, Regular Session, 2013
183. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Updating terms in Corporation Net Income Tax Act** (original same as H. B. No. 2515) - Passed 4/9/13; Effective from passage - To Governor 4/15/13 - Approved by Governor 4/19/13 - Chapter 195, Acts, Regular Session, 2013
- *185. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to alternative-fuel motor vehicles and qualified refueling infrastructure tax credits** (original same as H. B. No. 2506) - Passed 4/13/13; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 184, Acts, Regular Session, 2013
190. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to public-private transportation projects funding** (original same as H.

- B. No. 2511) - Passed 4/13/13; Effective July 1, 2013 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 169, Acts, Regular Session, 2013
194. By Sen. Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley and M. Hall - **Relating to DHHR contract procedures** (original same as H. B. No. 2455) - Passed 4/13/13; Effective from passage - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 100, Acts, Regular Session, 2013
- *195. By Sen. Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley, M. Hall and Beach - **Modifying tax rate expiration date on eligible acute care hospitals** (original same as H. B. No. 2462) - Passed 4/12/13; Effective from passage - To Governor 4/23/13 - Approved by Governor 4/30/13 - Chapter 197, Acts, Regular Session, 2013
197. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts** (original same as H. B. No. 2540) - Passed 3/15/13; Effective from passage - To Governor 3/22/13 - Approved by Governor 3/22/13 - Chapter 7, Acts, Regular Session, 2013
- *200. By Sen. Laird - **Relating to Eyewitness Identification Act** (original same as H. B. No. 2758) - Passed 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 79, Acts, Regular Session, 2013
- *202. By Sen. Kessler (Mr. President), Fitzsimmons, Beach, Miller, Laird, Nohe and Stollings - **Creating WV Spay Neuter Assistance Program and Fund** - Passed 4/13/13 - To Governor 4/26/13 - Approved by Governor 5/1/13 - Chapter 178, Acts, Regular Session, 2013
208. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Making supplementary appropriation from State Fund, General Revenue, to Department of Commerce, Division of Labor, and DHHR, Division of Human Services** (original same as H. B. No. 2539) - Passed 4/11/13; Effective from passage - To Governor 4/19/13 - Approved by Governor 4/22/13 - Chapter 8, Acts, Regular Session, 2013
214. By Sen. Stollings and Snyder - **Eliminating interview requirement for certain medical licensee applicants** - Passed 4/12/13; Effective July 1, 2013 - To Governor 4/23/13 - Approved by Governor 4/29/13 - Chapter 149, Acts, Regular Session, 2013

- *243. By Sen. Snyder - **Authorizing DEP promulgate legislative rules** - Passed 4/12/13; Effective from passage - To Governor 4/23/13 - Approved by Governor 4/30/13 - Chapter 115, Acts, Regular Session, 2013
- *250. By Sen. Snyder - **Authorizing Department of Commerce promulgate legislative rules** - Passed 4/13/13; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 121, Acts, Regular Session, 2013
- *265. By Sen. Snyder - **Authorizing DHHR promulgate legislative rules** - Passed 4/13/13; Effective from passage - Effective ninety days from passage - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 116, Acts, Regular Session, 2013
- *270. By Sen. Snyder - **Authorizing Department of Revenue promulgate legislative rules** - Passed 4/13/13; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 118, Acts, Regular Session, 2013
- *281. By Sen. Snyder - **Authorizing Department of Transportation promulgate legislative rules** - Passed 4/12/13; Effective from passage - To Governor 4/23/13 - Approved by Governor 4/29/13 - Chapter 119, Acts, Regular Session, 2013
331. By Sen. Kessler (Mr. President), Unger, Miller, Laird, D. Hall, Beach, Williams and Plymale - **Permitting Courthouse Facilities Improvement Authority to issue bonds** (original same as H. B. No. 2988) - Passed 4/12/13 - To Governor 4/23/13 - Vetoed by Governor 5/3/13
- *335. By Sen. Yost, Edgell and Fitzsimmons - **Permitting certain hospitals exemption from certificate of need** (original same as H. B. No. 2536) - Passed 4/13/13; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 89, Acts, Regular Session, 2013
- *336. By Sen. Stollings, Wells, Plymale, Barnes, Beach, Unger, Palumbo, Kessler (Mr. President) and Jenkins - **Relating to interscholastic athletics concussions and head injuries** (original same as H. B. No. 2518) - Passed 4/13/13 - To Governor 4/26/13 - Approved by Governor 5/1/13 - Chapter 58, Acts, Regular Session, 2013
- *355. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to final wage payment to discharged employees** (original same as H. B. No. 2605 - similar to S. B. No. 175) - Passed 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 113, Acts, Regular Session, 2013
- *358. By Sen. Jenkins, Plymale, Chafin and McCabe - **Relating to municipal policemen and firemen pensions** (original same as H. B. No. 2896) - Passed 4/11/13;

Effective from passage - To Governor 4/23/13 - Approved by Governor 4/29/13 - Chapter 138, Acts, Regular Session, 2013

- *359. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating generally to reforming public education** (original same as H. B. No. 2725) - Passed 3/22/13 - To Governor 4/5/13 - Approved by Governor 4/10/13 - Chapter 55, Acts, Regular Session, 2013
- *369. By Sen. Unger, Kessler (Mr. President), D. Hall, Cookman, Cann, Laird, Beach, Fitzsimmons, Jenkins and Williams - **Relating to concealed handgun license reciprocity** (original similar to H. B. No. 2602) - Passed 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 35, Acts, Regular Session, 2013
- *371. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to prison overcrowding** (original same as H. B. No. 2726) - Passed 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 161, Acts, Regular Session, 2013
383. By Sen. Cookman, Stollings, Plymale and Palumbo - **Authorizing family court judges appoint counsel in certain contempt cases** (original same as H. B. No. 2777) - Passed 4/8/13 - To Governor 4/15/13 - Approved by Governor 4/18/13 - Chapter 158, Acts, Regular Session, 2013
- *386. By Sen. Cookman, Plymale and Palumbo - **Relating to personal safety orders** (original same as H. B. No. 2782) - Passed 4/13/13; Effective from passage - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 146, Acts, Regular Session, 2013
387. By Sen. Cookman, Unger, Plymale and Palumbo - **Relating to family court judge supervision of criminal background investigations** (original same as H. B. No. 2783) - Passed 4/11/13; Effective from passage - To Governor 4/23/13 - Approved by Governor 5/1/13 - Chapter 80, Acts, Regular Session, 2013
394. By Sen. Kessler (Mr. President), Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost - **Relating to scholarships for dependent children of law-enforcement officers who die in performance of duty** (original same as H. B. No. 2891) - Passed 4/13/13; Effective July 1, 2013 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 171, Acts, Regular Session, 2013

- *401. By Sen. Snyder and Chafin - **Relating to Board of Registration for Professional Engineers** - Passed 4/13/13; Effective July 1, 2013 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 152, Acts, Regular Session, 2013
403. By Sen. Palumbo, Chafin and Kessler (Mr. President) - **Relating to judicial retirement system contribution rates** (original same as H. B. No. 2833) - Passed 4/13/13; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 109, Acts, Regular Session, 2013
407. By Sen. Stollings - **Relating generally to child support orders** (original same as H. B. No. 2751) - Passed 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 19, Acts, Regular Session, 2013
- *412. By Sen. Miller, Williams, Kessler (Mr. President) and Sypolt - **Relating to county conservation district supervisors** - Passed 4/8/13; Effective from passage - To Governor 4/15/13 - Approved by Governor 4/18/13 - Chapter 36, Acts, Regular Session, 2013
- *414. By Sen. Laird and Miller - **Clarifying hunting and fishing license-issuing authorities** - Passed 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 102, Acts, Regular Session, 2013
- *421. By Sen. Nohe, Boley, Carmichael and Walters - **Exempting certain school mascot from prohibition of firearms possession on school grounds** - Passed 4/5/13 - To Governor 4/15/13 - Approved by Governor 4/17/13 - Chapter 126, Acts, Regular Session, 2013
423. By Sen. Laird, Kirkendoll, Stollings, Kessler (Mr. President), Cookman and Plymale - **Providing certain convicted persons reduction in sentence** - Passed 4/13/13; Effective from passage - To Governor 4/26/13 - Approved by Governor 4/30/13 - Chapter 41, Acts, Regular Session, 2013
- *426. By Sen. Snyder - **Amending Uniform Commercial Code** - Passed 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 203, Acts, Regular Session, 2013
- *430. By Sen. Jenkins and McCabe - **Defining "employment term" in Teachers' Defined Contribution Retirement System** (original same as H. B. No. 2818) - Passed 4/8/13 - To Governor 4/15/13 - Approved by Governor 4/18/13 - Chapter 65, Acts, Regular Session, 2013
- *431. By Sen. Jenkins and McCabe - **Relating to public employer liability for delinquent retirement contributions** (original same as H. B. No. 2822) - Passed

4/8/13; Effective from passage - To Governor 4/15/13 - Approved by Governor 4/18/13 - Chapter 168, Acts, Regular Session, 2013

- *435. By Sen. Snyder, Miller, Kessler (Mr. President), Jenkins, Yost, Stollings, Plymale, McCabe, Fitzsimmons, Palumbo and Beach - **Continuing Municipal Home Rule Pilot Program** (original similar to H. B. No. 2761) - Passed 4/13/13; Effective July 1, 2013 - To Governor 4/26/13 - Approved by Governor 5/3/13 - Chapter 135, Acts, Regular Session, 2013
- *437. By Sen. Unger, Beach and Yost - **Regulating commercial dog-breeding operations** (original similar to H. B. No. 2838) - Passed 4/12/13 - To Governor 4/25/13 - Approved by Governor 5/3/13 - Chapter 47, Acts, Regular Session, 2013
- *438. By Sen. Plymale, Wells and McCabe - **Authorizing reorganization of certain community and technical colleges** - Passed 4/13/13; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 94, Acts, Regular Session, 2013
- *440. By Sen. Prezioso, Facemire, Stollings and Plymale - **Relating to disclosure of specified tax information for enforcement of Tobacco Master Settlement Agreement** (original same as H. B. No. 2912) - Passed 4/11/13; Effective from passage - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 185, Acts, Regular Session, 2013
441. By Sen. Prezioso, Facemire, Stollings, Plymale and McCabe - **Relating to withdrawal of erroneous state tax liens** (original same as H. B. No. 2915) - Passed 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/30/13 - Chapter 182, Acts, Regular Session, 2013
- *444. By Sen. Plymale, Jenkins and Beach - **Relating to higher education generally** - Passed 4/13/13; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 93, Acts, Regular Session, 2013
- *445. By Sen. Prezioso, Facemire, Stollings, Plymale, McCabe and Beach - **Allowing Tax Commissioner divert lottery prizes to offset tax liabilities of lottery winners** (original same as H. B. No. 2910) - Passed 4/11/13; Effective July 1, 2013 - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 186, Acts, Regular Session, 2013
446. By Sen. Prezioso, Facemire and Beach - **Conforming motor fuel taxes with International Fuel Tax Agreement** (original same as H. B. No. 2914) - Passed 4/12/13; Effective July 1, 2013 - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 191, Acts, Regular Session, 2013

- *448. By Sen. Beach, Plymale, Fitzsimmons and Williams - **Increasing number of demonstration dealer plates issued to large commercial vehicle dealers** (original similar to H. B. No. 2859) - Passed 4/4/13 - To Governor 4/15/13 - Approved by Governor 4/19/13 - Chapter 133, Acts, Regular Session, 2013
- *454. By Sen. Prezioso and Facemire - **Relating to taxation of alternative motor fuels** (original same as H. B. No. 2886) - Passed 4/13/13; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 192, Acts, Regular Session, 2013
458. By Sen. Prezioso and Tucker - **Permitting PEIA operate Medicare retiree health plan on calendar-year basis** (original same as H. B. No. 2877) - Passed 4/9/13; Effective from passage - To Governor 4/15/13 - Approved by Governor 4/16/13 - Chapter 159, Acts, Regular Session, 2013
460. By Sen. Wells, Green, Barnes, Beach, Edgell, Fitzsimmons, Laird, Snyder, Sypolt, Walters, Yost, Unger, Kessler (Mr. President), Stollings, Jenkins, Cann, Plymale and Williams - **Exempting certain residents' active duty military pay from state income tax** - Passed 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/30/13 - Chapter 145, Acts, Regular Session, 2013
- *461. By Sen. Cookman, Beach, Fitzsimmons, D. Hall, Jenkins, Laird, Williams, Unger, Kessler (Mr. President), Stollings, Chafin, Miller, Snyder, Plymale and Palumbo - **Relating to procedures and protections for child witnesses in domestic relations proceedings** (original same as H. B. No. 2824) - Passed 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 22, Acts, Regular Session, 2013
462. By Sen. Facemire, Beach, Kirkendoll, Palumbo, Cann, Edgell, Snyder, Stollings, D. Hall, McCabe and Plymale - **Extending time for informal conferences on surface mining permit applications** (original same as H. B. No. 2862) - Passed 4/11/13 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 130, Acts, Regular Session, 2013
463. By Sen. Kirkendoll, Beach, Facemire, Green, Laird, Snyder and Plymale - **Increasing special license fee paid by pipeline companies to PSC** (original same as H. B. No. 2722) - Passed 4/8/13; Effective July 1, 2013 - To Governor 4/15/13 - Approved by Governor 4/19/13 - Chapter 88, Acts, Regular Session, 2013
- *464. By Sen. Stollings, Beach, Wells, Kessler (Mr. President), Yost and Unger - **Regulating tanning facilities** (original similar to H. B. No. 2768) - Passed 4/13/13 - To Governor 4/26/13 - Approved by Governor 5/1/13 - Chapter 181, Acts, Regular Session, 2013

- *469. By Sen. Jenkins, Kessler (Mr. President), Chafin, McCabe and Plymale - **Clarifying service credit for certain PERS members** - Passed 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 166, Acts, Regular Session, 2013
470. By Sen. Miller, Williams, Stollings, Kessler (Mr. President) and Beach - **Permitting wine sale on Sunday mornings at fairs and festivals** - Passed 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 207, Acts, Regular Session, 2013
- *477. By Sen. Palumbo - **Relating to electronic registration of voters** (original same as H. B. No. 2865) - Passed 4/12/13 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 72, Acts, Regular Session, 2013
- *478. By Sen. Miller, Laird, Barnes and Williams - **Redefining "video lottery games"; permitting wagering by historic resort hotel employees** - Passed 4/12/13; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 86, Acts, Regular Session, 2013
- *481. By Sen. Palumbo, Unger, Jenkins and Tucker - **Relating to juvenile mental health treatment** - Passed 4/12/13 - To Governor 4/26/13 - Approved by Governor 4/30/13 - Chapter 128, Acts, Regular Session, 2013
- *482. By Sen. Palumbo - **Relating to sale of voter registration lists** (original same as H. B. No. 2863) - Passed 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 73, Acts, Regular Session, 2013
489. By Sen. Facemire, Cann, Chafin, Edgell, Kirkendoll, Snyder and Stollings - **Permitting community enhancement districts to decrease annual property assessments** - Passed 4/13/13; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 30, Acts, Regular Session, 2013
491. By Sen. M. Hall, Beach, Carmichael, Kessler (Mr. President), McCabe and Walters - **Relating to rental car license cost recovery fee** (original same as H. B. No. 2868) - Passed 4/11/13 - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 164, Acts, Regular Session, 2013
496. By Sen. Facemire, Laird, Blair and Plymale - **Finding and declaring certain claims against state** - Passed 4/8/13; Effective from passage - To Governor 4/15/13 - Approved by Governor 4/18/13 - Chapter 26, Acts, Regular Session, 2013
- *498. By Sen. Palumbo - **Relating to hearing location for Alcohol Beverage Control Administration's appeal hearings** (original same as H. B. No. 3141) - Passed

- 4/13/13; Effective July 1, 2013 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 2, Acts, Regular Session, 2013
504. By Sen. Miller, Williams and D. Hall - **Relating to cooperative associations** - Passed 4/11/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 1, Acts, Regular Session, 2013
515. By Sen. Cole, Carmichael, Green, D. Hall and Stollings - **Relating to use of television receivers and other devices in vehicles** - Passed 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 134, Acts, Regular Session, 2013
523. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Making supplementary appropriation of unappropriated moneys to various accounts** (original same as H. B. No. 2930) - Passed 4/13/13; Effective from passage - To Governor 4/19/13 - Approved by Governor 4/22/13 - Chapter 9, Acts, Regular Session, 2013
524. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOT** (original same as H. B. No. 2928) - Passed 4/11/13; Effective from passage - To Governor 4/19/13 - Approved by Governor 4/22/13 - Chapter 10, Acts, Regular Session, 2013
525. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Making supplementary appropriation of federal funds to various accounts** (original same as H. B. No. 2929) - Passed 4/13/13; Effective from passage - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 11, Acts, Regular Session, 2013
526. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Making supplementary appropriation of federal funds to DHHR, Division of Human Services-Temporary Assistance for Needy Families** (original same as H. B. No. 2931) - Passed 4/11/13; Effective from passage - To Governor 4/19/13 - Approved by Governor 4/22/13 - Chapter 12, Acts, Regular Session, 2013
- *527. By Sen. Palumbo, Cann and McCabe - **Relating to process of filling vacancies in certain elected offices** (original similar to H. B. No. 2857) - Passed 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 76, Acts, Regular Session, 2013
- *534. By Sen. Palumbo - **Correcting internal code reference regarding insurance information disclosure** - Passed 4/11/13; Effective from passage - To Governor

4/26/13 - Approved by Governor 4/29/13 - Chapter 105, Acts, Regular Session, 2013

- *535. By Sen. Palumbo, Wells, McCabe and Fitzsimmons - **Relating to process for maintaining voter registration lists** (original same as H. B. No. 2941) - Passed 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 68, Acts, Regular Session, 2013

- *538. By Sen. Palumbo, Laird, Miller and Fitzsimmons - **Relating generally to disposition of domestic violence orders** - Passed 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 49, Acts, Regular Session, 2013

- *542. By Sen. Snyder, Kessler (Mr. President), Barnes, Blair, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Kirkendoll, Laird, Miller, Unger and Yost - **Relating to restricted races at pari-mutuel thoroughbred horse racetracks** (original similar to H. B. No. 3084 and H. B. No. 3091) - Passed 4/11/13 - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 85, Acts, Regular Session, 2013

- *544. By Sen. Snyder and Stollings - **Scheduling departmental performance reviews** - Passed 4/11/13 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 123, Acts, Regular Session, 2013

- *553. By Sen. Beach, McCabe, Miller and Stollings - **Relating to Highway Design-Build Program** - Passed 4/11/13; Effective from passage - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 98, Acts, Regular Session, 2013

- *557. By Sen. Yost, Kessler (Mr. President), Fitzsimmons and Stollings - **Continuing Preventive Care Pilot Program** - Passed 4/12/13; Effective from passage - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 90, Acts, Regular Session, 2013

- 561. By Sen. Williams, Unger, Sypolt and Miller - **Establishing Tucker County Cultural District Authority** - Passed 4/11/13; Effective from passage - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 212, Acts, Regular Session, 2013

- *564. By Sen. Snyder - **Increasing minimum construction cost of municipal public works project before competitive bidding is required** - Passed 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/30/13 - Chapter 137, Acts, Regular Session, 2013

- 571. By Sen. D. Hall and Green - **Extending time Oceana City Council can meet as levying body** - Passed 4/5/13; Effective from passage - To Governor 4/15/13 - Approved by Governor 4/17/13 - Chapter 211, Acts, Regular Session, 2013

- *580. By Sen. Stollings - **Relating generally to practice of dentistry** (original similar to H. B. No. 2750) - Passed 4/13/13; Effective from passage - Effective ninety days from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 150, Acts, Regular Session, 2013
- *586. By Sen. Plymale, Prezioso, Snyder and Beach - **Relating to licensure of barbers and cosmetologists** (original same as H. B. No. 3125) - Passed 4/13/13; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 153, Acts, Regular Session, 2013
596. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Determining grant awards for Chesapeake Bay and Greenbrier River watershed compliance projects** (original same as H. B. No. 3026) - Passed 4/13/13; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 206, Acts, Regular Session, 2013
601. By Sen. Cookman, Walters and Stollings - **Relating generally to juvenile offenders** - Passed 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 20, Acts, Regular Session, 2013
- *604. By Sen. Kessler (Mr. President) and Fitzsimmons - **Expanding definition of "electioneering communication"** - Passed 4/12/13 - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 75, Acts, Regular Session, 2013
- *630. By Sen. Unger - **Relating to Chief Technology Officer's duties with regard to security of government information** (original same as H. B. No. 3090) - Passed 4/13/13; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 200, Acts, Regular Session, 2013
- *638. By Sen. Prezioso and Plymale - **Terminating certain severance tax exemption for production of natural gas or oil** (original same as H. B. No. 2962) - Passed 4/8/13; Effective July 1, 2013 - To Governor 4/15/13 - Approved by Governor 4/18/13 - Chapter 188, Acts, Regular Session, 2013
652. By Sen. Snyder, Jenkins, Boley and Tucker - **Requiring criminal background checks for home inspector applicants** (original same as H. B. No. 3137) - Passed 4/13/13; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 99, Acts, Regular Session, 2013
658. By Sen. Stollings and Plymale - **Extending time for Madison City Council to meet as levying body** - Passed 4/11/13; Effective from passage - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 210, Acts, Regular Session, 2013

663. By Sen. Unger, Edgell, Cookman, Laird, Miller, Palumbo, Plymale, Prezioso, Stollings, M. Hall and Barnes (Originating in Senate Select Committee on Children and Poverty) - **Creating WV Feed to Achieve Act** - Passed 4/13/13; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 83, Acts, Regular Session, 2013
664. By Sen. Prezioso, Facemire, Chafin, Edgell, Green, Laird, McCabe, Plymale, Stollings, Unger, Wells, Yost, Barnes, Blair, Boley, M. Hall and Sypolt (Originating in Senate Finance) - **Decreasing appropriations of public moneys in State Fund, General Revenue** - Passed 4/13/13; Effective from passage - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 13, Acts, Regular Session, 2013

SENATE CONCURRENT RESOLUTIONS ADOPTED BY LEGISLATURE

1. By Sen. Kessler (Mr. President), Unger and M. Hall - **Adopting joint rules of Senate and House** - Adopted 1/9/13
2. By Sen. Kessler (Mr. President), Prezioso and M. Hall - **Authorizing payment of supplies, services, printing and other expenses** - Adopted 1/9/13
3. By Sen. Stollings and Kirkendoll - **Requesting DOH name bridge in Boone County "Army Sergeant Junior Elwood Dunlap Memorial Bridge"** - Adopted 3/8/13
4. By Sen. Stollings, Green, D. Hall and Kirkendoll - **Requesting DOH name bridge in Boone County "James 'Eddie' Mooney Memorial Bridge"** - Adopted 3/8/13
- *5. By Sen. Yost and Edgell - **Requesting DOH name bridge in Wetzel County "Army Sgt. Norman R. Cunningham Memorial Bridge"** - Adopted 3/11/13
6. By Sen. Kirkendoll, Beach, Cann, Chafin, Cole, Edgell, D. Hall, Jenkins, McCabe, Miller, Plymale, Stollings, Kessler (Mr. President), Unger and Yost - **Requesting DOH name bridge in Wayne County "Wayne County Veterans Memorial Bridge"** - Adopted 3/8/13
7. By Sen. Unger, D. Hall, Yost, Fitzsimmons, Beach, Tucker and Williams - **Designating Hall Flintlock Model 1819 official state firearm** - Adopted 4/4/13

- *8. By Sen. Laird, Miller and Unger - **Requesting DOH name portion of Route 38 in Fayette County "Sizemore Moran Veterans Memorial Road"** - Adopted 3/29/13
9. By Sen. Stollings, Kirkendoll and Unger - **Requesting DOH name bridge in Boone County "Naval Chief Boatswain Fred L. Byrnside and Army Captain Dora Jo Chambers Byrnside Memorial Bridge"** - Adopted 4/4/13
- *10. By Sen. Stollings, Kirkendoll and Unger - **Requesting DOH name bridge in Lincoln County "Shelton Topping Bridge"** - Adopted 4/12/13
11. By Sen. Stollings, Kirkendoll and Unger - **Requesting DOH name portion of State Route 214 "Army Pvt. Parker Meikle Memorial Road"** - Adopted 4/5/13
12. By Sen. Stollings, Kirkendoll and Unger - **Requesting DOH name section of Lick Creek Road in Boone County "PFC Randall Bruce Miller Memorial Road"** - Adopted 4/5/13
- *13. By Sen. Cann, Facemire, Williams, Chafin and McCabe - **Requesting DOH name bridge in Lewis County "J. Cecil Jarvis Memorial Bridge"** - Adopted 4/4/13
14. By Sen. Cann, Barnes, Cookman, Facemire, McCabe, Tucker, Williams and Stollings - **Requesting DOH name portion of State Route 20 in Upshur County "Thomas B. Dunn Memorial Highway"** - Adopted 3/28/13
- *15. By Sen. Kirkendoll, Stollings, Beach and Plymale - **Requesting DOH name Logan County Route 5/12 "Army Private First Class Troy Franklin Tomblin Memorial Highway"** - Adopted 4/12/13
16. By Sen. Kirkendoll, Stollings, Unger and Green - **Requesting DOH name County Route 5/07 in Logan County "Army PFC James Edward Workman Memorial Road"** - Adopted 4/11/13
17. By Sen. Barnes, Cookman, Tucker, Stollings, Unger and Plymale - **Requesting DOH name bridge in Randolph County "Army Captain Bernard Francis Jones Memorial Bridge"** - Adopted 4/11/13
- *18. By Sen. Chafin, Yost, Green and Stollings - **Requesting DOH name portion of State Route 20 in Wyoming County "David and Janet Lee Memorial Highway"** - Adopted 4/5/13
19. By Sen. Walters, Carmichael, Cole, Fitzsimmons, McCabe, Palumbo, Snyder, Sypolt, Wells, Yost, Kessler (Mr. President), Unger and Stollings - **Requesting**

- DOH name bridge in Kanawha County "U. S. Army Sgt. Archie W. Searls Memorial Bridge"** - Adopted 4/11/13
- *20. By Sen. Chafin, Yost, Kessler (Mr. President), Unger, Stollings and D. Hall - **Requesting DOH name portion of State Route 80 in McDowell County "Army PFC Phill G. McDonald Memorial Highway"** - Adopted 4/12/13
21. By Sen. Kirkendoll, Stollings, Unger and Plymale - **Requesting DOH name bridge in Logan County "Navy Lieutenant, Junior Grade, Edsel Carl Varney Memorial Bridge"** - Adopted 4/11/13
- *22. By Sen. McCabe, Palumbo, Walters, Wells, Unger and Stollings - **Requesting DOH name bridge in Kanawha County "Joseph Albert 'Joey' King, Jr., Memorial Bridge"** - Adopted 4/11/13
23. By Sen. D. Hall, Chafin, Green, Unger, Cole and Stollings - **Requesting DOH name bridge in Wyoming County "Reverend Edward and Mary Mullins Memorial Bridge"** - Adopted 4/11/13
24. By Sen. Palumbo, Chafin, Stollings, Unger, McCabe and Wells - **Requesting DOH name portion of U. S. Route 60 in Kanawha County "Lou Tabit Highway"** - Adopted 4/11/13
28. By Sen. Stollings, Edgell, Kirkendoll and Beach - **Requesting DNR study making Upper Mud River Wildlife Management and Recreation Area a state park** - Adopted 4/13/13
- *29. By Sen. Wells, McCabe, Palumbo, Walters and Stollings - **Requesting DOH name bridge number 20-64-54.37 "Army Cpl. Kenneth R. Hess Bridge"** - Adopted 4/12/13
30. By Sen. D. Hall, Green and Stollings - **Requesting DOH name bridge in Wyoming County "Army SP4 Jackie (Hearn) McMillion Memorial Bridge"** - Adopted 4/12/13
32. By Sen. Beach and Williams - **Requesting DOH name bridge in Monongalia County "U. S. Army and Air National Guard Col. Garry L. Bowers-Ices Ferry Bridge"** - Adopted 4/12/13
34. By Sen. Chafin, Stollings, Plymale, Jenkins and Cole - **Requesting DOH name bridge in Wayne County "Mavis Granny Castle Bridge"** - Adopted 4/5/13

- *37. By Sen. Williams, Stollings, Sypolt, Tucker and Cookman - **Requesting DOH name bridge in Hardy County "Army 1SG Boyd 'Doc' Slater Memorial Bridge"** - Adopted 4/13/13
76. By Sen. Cann, Barnes, Facemire, Green, D. Hall, Kirkendoll, McCabe, Tucker, Walters, Wells, Yost and Williams - **Urging Congress to update Renewable Fuel Standard** - Adopted 4/13/13

HOUSE BILLS PASSED LEGISLATURE

- *2014. By Mr. Speaker (Mr. Thompson) and Del. Armstead [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** (Original same as S. B. No. 143) - Passed 4/17/2013; Effective from passage - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 4, Acts, 2013
- *2046. By Del. Perry and Smith, P. - **Requiring wireless telecommunications companies to release location information of a missing person's cell phone in a timely manner; the "Kelsey Smith Act"** - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 4/29/13 - Chapter 208, Acts, 2013
- *2108. By Del. Fleischauer - **Making the offense of failure to wear safety belts a primary offense** (Original similar to S. B. No. 129) - Passed 4/10/2013 - To Governor 4/17/13 - Approved by Governor 4/22/13 - Chapter 173, Acts, 2013
2158. By Del. Moore, Reynolds and Azinger - **Relating to the provision of financially-related services by banks and bank holding companies** - Passed 4/13/2013 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 16, Acts, 2013
- *2314. By Del. Poore, Guthrie, Wells, Lawrence, Miley and Skaff - **Authorizing a family court judge to order a child to be taken into custody in emergency situations** (Original same as S. B. No. 385) - Passed 4/10/2013 - To Governor 4/22/13 - Approved by Governor 5/3/13 - Chapter 42, Acts, 2013
- *2351. By Del. Moore, Poore, Fleischauer and Skaff - **Authorizing law enforcement to issue a charge by citation when making an arrest for driving with a suspended or revoked license** - Passed 4/12/2013 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 50, Acts, 2013
- *2352. By Del. Phillips, R., Stowers, Skaff and Boggs - **Clarifying that the West Virginia Department of Environmental Protection does not assume a mine**

operator's obligations or liabilities under the Water Pollution Control Act - Passed 4/13/2013 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 129, Acts, 2013

- *2357. By Del. Poore, Marshall, Moore, Hamilton, Miley, Longstreth, Caputo, Manchin and Ellem - **Relating to sexting by minors** - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 5/1/13 - Chapter 112, Acts, 2013
2361. By Del. Longstreth and Iaquina - **Relating to the definition of "eligible veteran" for certain state training and employment preference benefits** - Passed 4/9/2013 - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 204, Acts, 2013
- *2395. By Del. Williams, Campbell, Moye, Perdue, Pino and Ellington - **Relating to senior services** (Original same as S. B. No. 106) - Passed 4/10/2013 - To Governor 4/17/13 - Approved by Governor 4/17/13 - Chapter 103, Acts, 2013
- *2399. By Del. Poling, D., Anderson, Manypenny, Guthrie, Ireland, Ellem and Swartzmiller - **Protecting livestock in dire or extreme condition** - Passed 4/13/2013 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 124, Acts, 2013
- *2431. By Del. Phillips, R., Cowles, Hunt, Marcum, Moye, Pethtel and Stowers - **Modifying the application process for obtaining a state license to carry a concealed deadly weapon** - Passed 4/13/2013 - To Governor 4/17/13 - Vetoed by Governor 4/17/13 - House amended and repassed to meet the objections of the Governor 4/17/13 - Senate concurred in House amendment 4/17/13 - Passed Senate 4/17/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 34, Acts, 2013
- *2453. By Del. Marshall, Guthrie, Sumner, Barill, Poling, D., Fragale, Hamilton and Boggs - **Expanding the Amber Alert Plan; "SKYLAR'S LAW"** - Passed 4/12/2013 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 3, Acts, 2013
2463. By Del. Perdue, Perry, Fleischauer, Marshall, Moye, Poore and Staggers - **Repealing the article that permits the sterilization of persons deemed to be mentally incompetent** (Original same as S. B. No. 193) - Passed 4/9/2013 - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 28, Acts, 2013
2469. By Del. Perry, Staggers, Swartzmiller, Walker, Barill and Williams - **Increasing the cap on earnings during temporary reemployment after retirement** - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 167, Acts, 2013

- *2470. By Del. Poling, M. - **Relating to sign support specialist or an educational sign language interpreter in the education of exceptional children** - Passed 4/13/2013; Effective July 1, 2013 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 172, Acts, 2013
- *2471. By Mr. Speaker (Mr. Thompson), Del. Boggs, Swartzmiller, Miley, Young, Sponaugle and Barrett - **Prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency** (Original similar to S. B. No. 330) - Passed 4/11/2013 - To Governor 4/25/13 - Approved by Governor 5/3/13 - Chapter 160, Acts, 2013
2487. By Del. Perdue, Perry, Ellington, Moye, Moore, Diserio, Campbell, Morgan, Poore and Ferns - **Prohibiting the use of laetrile** - Passed 4/1/2013 - To Governor 4/5/13 - Approved by Governor 4/10/13 - Chapter 27, Acts, 2013
- *2490. By Del. Iaquinta, Fleischauer, Longstreth, Stephens and Azinger - **Providing for the appointment of veterans advocates at state institutions of higher education** (Original same as S. B. No. 174) - Passed 4/13/2013 - To Governor 4/25/13 - Approved by Governor 5/1/13 - Chapter 95, Acts, 2013
- *2491. By Del. Iaquinta, Fleischauer, Longstreth, Stephens and Azinger - **Establishing a uniform course completion policy for veteran students called up for active duty** (Original same as S. B. No. 173) - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 4/29/13 - Chapter 96, Acts, 2013
- *2497. By Del. Skaff, Stowers, Nelson, E., Campbell, White, Ferns, Craig, Morgan, Poore and Marcum - **Requiring applicants for real estate licensure to undergo criminal history record checks** (Original same as S. B. No. 211) - Passed 4/12/2013 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 157, Acts, 2013
- *2498. By Del. Marcum, Miley, Craig, Moore, White, Perry, Skaff, Nelson, E., Ferro, Ferns and Eldridge - **Making it a crime for a person sitting on a grand jury to disclose the identity of an individual who will be indicted** - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 4/29/13 - Chapter 111, Acts, 2013
- *2505. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Increasing civil penalties imposed by the Public Service Commission for pipeline safety violations** (Original same as S. B. No. 192) - Passed 4/12/2013 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 87, Acts, 2013
2508. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Changing the capital investment threshold amount** (Original same as S. B. No.

- 189) - Passed 4/12/2013; Effective July 1, 2013 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 54, Acts, 2013
- *2512. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Reforming the state Medicaid subrogation statute** (Original same as S. B. No. 180) - Passed 4/13/2013 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 127, Acts, 2013
- *2513. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Improving enforcement of drugged driving offenses** (Original same as S. B. No. 181) - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 5/1/13 - Chapter 51, Acts, 2013
- *2514. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Lowering the total amount of tax credits available under the Film Industry Investment Act** (Original same as S. B. No. 182) - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 190, Acts, 2013
2516. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act** (Original same as S. B. No. 184) - Passed 4/12/2013; Effective from passage - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 194, Acts, 2013
- *2519. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Relating to reallocation and repatriation of certain funds to the General Revenue Fund** (Original same as S. B. No. 186) - Passed 4/12/2013; Effective from passage - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 196, Acts, 2013
- *2521. By Del. Skaff and Marcum - **Relating to the West Virginia Contraband Forfeiture Act** - Passed 4/10/2013 - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 37, Acts, 2013
- *2531. By Del. Morgan, Stephens, Paxton, Hartman, Ferns, Howell, Folk, Smith, R., Faircloth, Arvon and Nelson, J. - **Relating to the practice of speech-language pathology and audiology** - Passed 4/13/2013; Effective from passage - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 154, Acts, 2013
- *2534. By Del. Morgan, Stephens, Diserio, Jones, Paxton and Smith, P. - **Relating to the regulation of pawn brokers** - Passed 4/13/2013 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 144, Acts, 2013

- *2538. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Expiring, supplementing, amending, increasing, and adding items of appropriation in various accounts** (Original same as S. B. No. 207) - Passed 4/13/2013; Effective from passage - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 5, Acts, 2013
2541. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Department of Health and Human Resources, Division of Human Services** (Original same as S. B. No. 209) - Passed 4/13/2013; Effective from passage - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 6, Acts, 2013
2542. By Del. Morgan, Stephens, Jones, Paxton, Smith, P., Staggers, Hartman and Lynch - **Relating to publication of the State Register** - Passed 4/12/2013; Effective from passage - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 174, Acts, 2013
- *2548. By Del. Ferro, Stowers, Pethtel, Swartzmiller, Storch, Marcum, Boggs, Ferns, Poling, D., Diserio and Phillips, L. - **Increasing the criminal penalties for assaults and batteries against athletic officials** - Passed 4/12/2013 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 43, Acts, 2013
- *2553. By Del. Morgan, Stephens, Diserio, Jones, Paxton, Smith, P., Staggers, Hartman and Lynch - **Authorizing the Secretary of State to administratively dissolve certain business entities** (Original similar to S. B. No. 70) - Passed 4/10/2013 - To Governor 4/17/13 - Approved by Governor 4/22/13 - Chapter 175, Acts, 2013
- *2554. By Del. Morgan, Stephens, Staggers, Hartman, Jones, Diserio and Lynch - **Providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations** (Original similar to S. B. No. 479) - Passed 4/12/2013 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 176, Acts, 2013
- *2567. By Del. Morgan, Stephens, Diserio, Jones, Paxton, Smith, P. and Staggers - **Relating to limited partnerships** - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 4/29/13 - Chapter 177, Acts, 2013
- *2571. By Del. Craig, White, Marcum, Morgan, Stowers, Eldridge, Phillips, R., Reynolds, Skaff and Miller - **Relating to who may serve as members of the environmental quality board** (Original same as S. B. No. 598) - Passed 4/13/2013; Effective from passage - To Governor 4/25/13 - Approved by Governor 5/1/13 - Chapter 77, Acts, 2013

- *2577. By Del. Perdue, Perry, Eldridge, Lawrence and Staggers - **Relating to the practice of pharmacist care** - Passed 4/13/2013; Effective July 1, 2013 - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 148, Acts, 2013
- *2579. By Del. Phillips, R., Stowers, Eldridge, Tomblin, White, Marcum, Caputo, Boggs, Craig, Sumner and Nelson, J. - **Revising state water quality standard for Selenium** (Original same as S. B. No. 472) - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 4/29/13 - Chapter 205, Acts, 2013
- *2585. By Del. Skaff, Craig, Smith, P., Poore, Guthrie, Hunt, Reynolds, White, Raines and Nelson, E. - **Increasing the time to file a petition in response to notice of an increased assessment** - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 183, Acts, 2013
2586. By Del. Morgan, Stephens, Eldridge and Paxton - **Relating to qualifications for a license to practice embalming** - Passed 4/12/2013; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 151, Acts, 2013
- *2590. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Creating a public nonprofit corporation and governmental instrumentality to collectively address several environmental and economic development programs** (Original same as S. B. No. 342 - similar to S. B. No. 50) - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 4/29/13 - Chapter 38, Acts, 2013
- *2600. By Del. Hartman, McCuskey, Campbell, Miley, Nelson, E., Sponaugle, Skaff and Lynch - **Creating resort area districts** - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 5/2/13 - Chapter 165, Acts, 2013
- *2603. By Del. Morgan, Stephens, Staggers, Eldridge, Jones, Lynch, Paxton, Hartman, Smith, P., Barrett and Skinner - **Relating to the Family Protection Services Board** (Original similar to S. B. No. 402) - Passed 4/12/2013; Effective from passage - To Governor 4/25/13 - Approved by Governor 5/1/13 - Chapter 81, Acts, 2013
- *2608. By Del. Staggers, Morgan, Swartzmiller, Phillips, R., Diserio, Romine, Azinger, Border and Householder - **Requiring appraisal management companies to be registered** (Original same as S. B. No. 346) - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 156, Acts, 2013
- *2626. By Del. Poore, Marcum, Fleischauer, Frich and Eldridge - **Authorizing the Department of Military Affairs and Public Safety to promulgate Legislative**

Rules - Passed 4/13/2013; Effective from passage - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 117, Acts, 2013

- *2652. By Del. Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya - **Authorizing the Department of Administration to promulgate legislative rules** - Passed 4/10/2013; Effective from passage - To Governor 4/22/13 - Approved by Governor 4/30/13 - Chapter 114, Acts, 2013
- *2689. By Del. Poore, Marcum, Fleischauer and Eldridge - **Authorizing miscellaneous Boards and Agencies to promulgate legislative rules** - Passed 4/13/2013; Effective from passage - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 120, Acts, 2013
- *2716. By Del. Diserio, Walker, Ferro, Skinner, Barill, Swartzmiller, Nelson, E., Ellem, Storch, Marcum and White - **Relating to the West Virginia Fairness in Competitive Bidding Act** (Original same as S. B. No. 348) - Passed 4/13/2013 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 32, Acts, 2013
- *2717. By Del. Ashley, Skaff, Raines, Swartzmiller, Ferns, Reynolds, Stowers, White, Miley and Walker - **Requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification** (Original same as S. B. No. 360) - Passed 4/13/2013; Effective July 1, 2013 - To Governor 4/25/13 - Approved by Governor 5/1/13 - Chapter 46, Acts, 2013
- *2727. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Relating to the school aid formula** (Original same as S. B. No. 370) - Passed 4/13/2013; Effective July 1, 2013 - To Governor 4/29/13 - Approved by Governor 5/1/13 - Chapter 67, Acts, 2013
- 2729. By Del. Perry, Perdue, Boggs, Miley, Poling, M., Poore, Fleischauer, Marshall, Armstead, Ellington and Pasdon - **Allowing schools to voluntarily maintain and use epinephrine auto-injectors** (Original same as S. B. No. 340) - Passed 4/9/2013 - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 61, Acts, 2013
- *2730. By Del. Morgan, Stephens, Azinger, Diserio, Ferns, Jones, Paxton, Perry, Poling, D., Romine and Swartzmiller - **Relating to the Real Estate Appraisal Board** - Passed 4/13/2013 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 155, Acts, 2013
- *2731. By Del. Fleischauer, Marshall, Barill, Manypenny, Campbell, Pasdon, Fragale, Iaquina, Staggers, Miley and Perry - **Regulating the performance of health maintenance tasks by unlicensed personnel** - Passed 4/13/2013; Effective from passage - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 91, Acts, 2013

- *2733. By Del. Phillips, R., Staggers, Ferro, Diserio and Reynolds - **Relating to hearings before the Office of Administrative Hearings** (Original same as S. B. No. 376) - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 52, Acts, 2013
- *2738. By Del. Perdue, Perry, Fleischauer, Lawrence, Marshall and Moore - **Relating to the Center for Nursing** - Passed 4/13/2013 - To Governor 5/1/13 - Vetoed by Governor 5/3/13
- *2747. By Del. Morgan, Stephens, Caputo and Craig - **Relating to Open Governmental Proceedings** - Passed 4/13/2013 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 143, Acts, 2013
- *2754. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Relating to further defining a retailer engaging in business in this state for purposes of sales and use taxes** (Original same as S. B. No. 377) - Passed 4/13/2013 - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 193, Acts, 2013
- *2762. By Del. Miley and Manchin - **Creating an exemption from licensure as an adjuster for certain individuals who conduct data entry into an automated claims adjudication system** (Original same as S. B. No. 399) - Passed 4/13/2013 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 106, Acts, 2013
- *2764. By Del. Lawrence, Poling, M. and Stowers - **Relating to compulsory school attendance** - Passed 4/13/2013 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 66, Acts, 2013
2770. By Del. Caputo, Longstreth, Manchin and Staggers - **Permitting dealers who sell fewer than eighteen new or used motor vehicles during a year to have their dealer licenses renewed** - Passed 4/13/2013 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 132, Acts, 2013
2780. By Del. Miley, Skinner, Poore, Manchin, Hunt and Barill - **Relating generally to multidisciplinary team meetings for juveniles committed to the custody of the West Virginia Division of Juvenile Services** (Original same as S. B. No. 415) - Passed 4/13/2013 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 21, Acts, 2013
2784. By Del. Pethtel, Jones, Craig, Canterbury, Kump, Lynch and Stowers - **Relating to the Deputy Sheriff Retirement System Act** (Original same as S. B. No. 406) - Passed 3/28/2013 - To Governor 4/5/13 - Approved by Governor 4/10/13 - Chapter 45, Acts, 2013

2800. By Del. Pethtel, Jones, Craig, Canterbury, Kump, Lynch and Stowers - **Relating to the Teachers' Retirement System** (Original same as S. B. No. 419) - Passed 4/2/2013 - To Governor 4/17/13 - Approved by Governor 4/19/13 - Chapter 64, Acts, 2013
- *2802. By Del. Pethtel, Jones, Craig, Canterbury, Kump, Lynch and Stowers - **Relating to the Emergency Medical Services Retirement System** (Original same as S. B. No. 418) - Passed 4/2/2013 - To Governor 4/17/13 - Approved by Governor 4/19/13 - Chapter 92, Acts, 2013
- *2805. By Del. Manchin, Miley, Ellem, Lane, Fleischauer, Manypenny, Guthrie, Caputo, Reynolds, White and Skinner - **Making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program** (Original same as S. B. No. 413) - Passed 4/13/2013; Effective from passage - To Governor 4/29/13 - Approved by Governor 5/1/13 - Chapter 70, Acts, 2013
- *2806. By Del. Perry, Moore, Barill, Campbell, Pino, Staggers, Morgan and Poling, M. - **Relating to administrative remedies for prisoners generally** (Original same as S. B. No. 416) - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 40, Acts, 2013
2814. By Del. Fleischauer, Poore, Guthrie, Moore, Sobonya, Hunt, Longstreth, Phillips, L., Marshall, Manchin and Wells - **Relating to human trafficking** - Passed 4/13/2013 - To Governor 4/17/13 - Vetoed by Governor 4/17/13 - House amended and repassed to meet the objections of the Governor 4/17/13 - Senate concurred in House amendment 4/17/13 - Passed Senate 4/17/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 101, Acts, 2013
- *2815. By Del. Miley, Fleischauer, Skinner, Shott and Barill - **Clarifying and modifying the process of appointing and terminating guardians for minors** (Original same as S. B. No. 382) - Passed 4/11/2013 - To Governor 4/17/13 - Approved by Governor 4/22/13 - Chapter 131, Acts, 2013
- *2819. By Del. Guthrie, Hartman, Ashley and Walters - **Relating to the financial oversight of entities regulated by the Insurance Commissioner** (Original same as S. B. No. 328) - Passed 4/12/2013 - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 108, Acts, 2013
- *2825. By Del. Perdue, Perry, Ferns, Morgan, Poling, M., Staggers, White and Williams - **Relating to certain appointive state officers salaries** - Passed 4/13/2013 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 170, Acts, 2013
- *2836. By Del. Boggs, White, Lane and Ellem - **Allowing certain Commission on Special Investigations personnel the right to carry firearms** - Passed 4/13/2013;

Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 179, Acts, 2013

- *2837. By Del. Boggs, White, Reynolds, Hunt, Guthrie, Perdue, Pethel, Williams, Manypenny, Phillips, R. and Skaff - **Amending various provisions of the Code affecting the Treasurer's Office** (Original same as S. B. No. 432) - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 5/2/2013 - Chapter 202, Acts, 2013
2842. By Del. Boggs, Swartzmiller, Ferro, Caputo and Poling, D. - **Clarifying that time-sharing plans, accommodations and facilities are subject to regulation by the Division of Land Sales and Condominiums** - Passed 4/13/2013 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 78, Acts, 2013
2847. By Del. Boggs, Swartzmiller, Ferro, Caputo and Poling, D. - **Relating to the collection of delinquent real property and personal property taxes** - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 198, Acts, 2013
- *2848. By Del. Boggs, Swartzmiller, Ferro, Caputo and Poling, D. - **Providing the process for requesting a refund after forfeiture of rights to a tax deed** - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 199, Acts, 2013
2851. By Del. Boggs, Ashley, Poling, D., Caputo and Swartzmiller - **Establishing a one time audit cost amnesty program for local governments with delinquent audit costs** (Original same as S. B. No. 600) - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 5/1/13 - Chapter 14, Acts, 2013
- *2858. By Del. White, Cowles, Andes, Boggs, Phillips, R., Marcum, Skaff, Craig and Storch - **Relating generally to consumer rate relief bonds** - Passed 4/9/2013; Effective from passage - To Governor 4/17/13 - Approved by Governor 4/22/13 - Chapter 162, Acts, 2013
2861. By Del. Pasdon, Poling, M., Barill, Marshall, Frich and Fleischauer - **Relating to continued enrollment of at-risk student in public school** - Passed 4/13/2013; Effective July 1, 2013 - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 57, Acts, 2013
- *2866. By Del. Hamilton, Evans, A., Andes, Ireland, Walker, Moye, Lynch, Smith, P., Nelson, J., Frich and Sponaugle - **Providing an exception to allow a resident of a dwelling house to discharge a firearm in a lawful manner within five**

- hundred feet** (Original similar to S. B. No. 476) - Passed 4/12/2013 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 84, Acts, 2013
- *2888. By Del. Miley, Fragale, Manchin, Fleischauer, Longstreth and Caputo - **Allowing members of a policemen's civil service commission to serve on other local boards and commissions** - Passed 4/13/2013 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 147, Acts, 2013
- *2897. By Del. Marshall, Iaquinta, Williams, Anderson, Evans, A., Pethtel, White, Fleischauer and Barill - **Declaring certain claims against the state and its agencies to be moral obligations of the state** - Passed 4/13/2013; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 25, Acts, 2013
- *2913. By Del. White and Marcum - **Specifying procedures for adjusting payments to correct for an erroneous distribution of moneys dedicated, distributed or directed to a state or local governmental subdivision** (Original same as S. B. No. 439) - Passed 4/12/2013 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 187, Acts, 2013
- *2923. By Del. Moore, Hartman, Nelson, E., Ferns and Ashley - **Relating to directors of state-chartered banking institutions** (Original same as S. B. No. 506) - Passed 4/9/2013 - To Governor 4/17/13 - Approved by Governor 4/22/13 - Chapter 15, Acts, 2013
2933. By Del. Phillips, L., Smith, P., Marcum, Barill, White, Moye, Skinner and Poore - **Providing notification to a prosecuting attorney of an offender's parole hearing and release** - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 4/29/13 - Chapter 44, Acts, 2013
- *2940. By Del. Poling, M., Stowers, Pasdon, Moye and Perry - **Relating to regional meetings among certain officials of county boards of education** - Passed 4/9/2013 - To Governor 4/17/13 - Approved by Governor 4/18/13 - Chapter 59, Acts, 2013
2956. By Del. Miley, Boggs, Manchin, Marcum, Ferro, Reynolds and Ashley - **Relating to resident brewers and brewpubs** - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 139, Acts, 2013
- *2960. By Del. Guthrie, Hartman and Manchin - **Providing for internal and external review of adverse health coverage determinations** (Original same as S. B. No. 518) - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 5/1/13 - Chapter 107, Acts, 2013

- *2964. By Del. Lawrence, Skaff, Caputo, Diserio, Skinner, Phillips, R., Sponaugle and Westfall - **Authorizing the mayor to appoint chiefs of police and deputy chiefs of police** - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 136, Acts, 2013
2968. By Del. Boggs and Young - **Authorizing the use of an additional medium for use in archiving the records** - Passed 4/12/2013; Effective July 1, 2013 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 180, Acts, 2013
- *2979. By Del. Boggs, Skaff, Nelson, E., White, Morgan, Poling, M. and Miley - **Relating to broadband deployment projects** (Original same as S. B. No. 556) - Passed 4/12/2013 - To Governor 4/29/13 - Approved by Governor 4/29/13 - Chapter 18, Acts, 2013
2992. By Del. White - **Eliminating duplicative reporting requirements imposed on distributors of imported cigarettes** (Original same as S. B. No. 605) - Passed 4/10/2013 - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 23, Acts, 2013
- *3003. By Del. White - **Facilitating compliance with the Tobacco Master Settlement Agreement** (Original same as S. B. No. 649) - Passed 4/10/2013 - To Governor 4/17/13 - Approved by Governor 4/22/13 - Chapter 201, Acts, 2013
3013. By Mr. Speaker (Mr. Thompson), Del. Boggs, Swartzmiller, Caputo, Miley, Poling, M., White, Perdue, Morgan, Moye and Poling, D. - **Authorizing the establishment of job creation work groups** (Original same as S. B. No. 653) - Passed 4/1/2013 - To Governor 4/5/13 - Approved by Governor 4/10/13 - Chapter 122, Acts, 2013
- *3020. By Del. Miley, Iaquinta, Longstreth, Guthrie, White, Boggs, Caputo, Skaff, Smith, P., Moye and Ferro - **Improving boat dock and marina safety** - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 17, Acts, 2013
3028. By Del. Staggers, Poling, D., Pethtel, Paxton and Smith, P. - **Expanding the number of hours temporary state personnel may work in a calendar year** (Original same as S. B. No. 599) - Passed 4/9/2013; Effective from passage - To Governor 4/17/13 - Approved by Governor 4/22/13 - Chapter 24, Acts, 2013
3043. By Mr. Speaker (Mr. Thompson), Del. Craig, Hunt, Marcum, Caputo, Ferro, Phillips, R., Williams and Boggs - **Including methane monitoring equipment as eligible safety equipment for tax credit purposes** - Passed 4/13/2013 - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 189, Acts, 2013

- *3069. By Del. Miley, Manchin, Hunt, Poore, Sponaugle, Skinner, Ellem and Lane - **Relating to access to justice** (Original same as S. B. No. 606) - Passed 4/13/2013 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 209, Acts, 2013
- *3086. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Relating to juvenile services and criminal justice institutions** (Original same as S. B. No. 610) - Passed 4/10/2013; Effective July 1, 2013 - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 39, Acts, 2013
3104. By Del. Poling, M. and Stowers - **Authorizing certain legislative rules regarding higher education** - Passed 4/9/2013; Effective from passage - To Governor 4/17/13 - Approved by Governor 4/18/13 - Chapter 97, Acts, 2013
- *3135. By Del. Marcum, Phillips, R., Sponaugle, Manypenny, Longstreth and Skinner - **Relating generally to voting system certification and procedures at the central counting center** (Original same as S. B. No. 650) - Passed 4/13/2013 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 74, Acts, 2013
- *3139. By Del. Sponaugle, Phillips, R., Manypenny and Longstreth - **Authorizing qualified investigators employed by the Secretary of State to carry a firearm and concealed weapon** - Passed 4/13/2013; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 71, Acts, 2013
- *3145. By Del. Miley, Manchin, Ferro, Wells and Skinner - **Removing the existing maximum quantities of beer that retailers can sell for off premises** - Passed 4/13/2013 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 141, Acts, 2013
- *3157. By Del. Poling, M., Stowers, Lawrence, Williams, Perry, Pethtel, Tomblin, Young, Pasdon, Evans, D. and Westfall (Originating in House Education) - **Restoring the authority, flexibility, and capacity of schools and school systems to improve student learning** - Passed 4/13/2013; Effective July 1, 2013 - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 56, Acts, 2013
3159. By Del. Poling, M., Stowers, Young, Perry, Williams, Barill, Pethtel, Lawrence, Pasdon, Ambler and Cooper (Originating in House Education) - **Granting exceptions from certain compulsory attendance statutes to the Monroe and Nicholas County school systems** - Passed 4/10/2013; Effective from passage - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 63, Acts, 2013
3160. By Del. Walker, Stowers, Barill, Cooper, Campbell, Lawrence, Young, Tomblin, Hamrick, Espinosa and Westfall (Originating in House Education) - **Providing for a pilot initiative on governance of schools jointly established by adjoining**

counties - Passed 4/13/2013 - To Governor 4/17/13 - Vetoed by Governor 4/17/13 - House amended and repassed to meet the objections of the Governor 4/17/13 - Senate concurred in House amendment 4/17/13 - Passed Senate 4/17/13 - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 60, Acts, 2013

3161. By Del. White, Marshall, Iaquina, Cowles, Miller, Phillips, R., Phillips, L., Nelson, E. and Perdue (Originating in House Finance) - **Repealing section relating to additional fee to be collected for each marriage license issued** - Passed 4/13/2013 - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 29, Acts, 2013

HOUSE CONCURRENT RESOLUTIONS ADOPTED BY LEGISLATURE

1. By Mr. Speaker (Mr. Thompson) - **Raising a Joint Assembly to open and publish election returns** - Adopted 1/9/13
2. By Mr. Speaker (Mr. Thompson) - **Providing for an adjournment of the Legislature until February 13, 2013** - Adopted 1/9/13
3. By Mr. Speaker (Mr. Thompson) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Adopted 2/13/13
- *7. By Del. Barill, Hunt, Fleischauer, Pino, Manypenny, Wells, Diserio, Howell, Jones, Manchin, Marshall, Moore, Paxton, Perry, Pethtel, Poling, D. and Swartzmiller - **The "County Sheriff Sgt. Michael Todd May Memorial Bridge"** - Adopted 4/13/13
- *8. By Mr. Speaker (Mr. Thompson) and Del. Perdue - **The "U.S. Army S/Sgt. E. J. A. Maynard Memorial Bridge"** - Adopted 4/13/13
- *9. By Del. Hamilton and Lynch - **The "Garry Lee Burgess Memorial Bridge"** - Adopted 4/13/13
- *10. By Del. Hamilton - **The "Staff Sergeant Lesley Wayne Reed US Army Memorial Bridge"** - Adopted 4/13/13
11. By Del. Walker, Barill, Campbell, Craig, Ferro, Fleischauer, Guthrie, Hamilton, Hartman, Hunt, Iaquina, Ireland, Jones, Lawrence, Longstreth, Manchin, Marcum, Marshall, Moore, Overington, Pasdon, Paxton, Perdue, Perry, Pethtel, Pino, Poling, D., Reynolds, Smith, P., Stowers, Swartzmiller, Wells, White and Williams -

Requesting the State of West Virginia to annually recognize August 16 as "Airborne Day" in West Virginia - Adopted 4/5/13

12. By Del. Walker, Mr. Speaker (Mr. Thompson), Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border, Butler, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Craig, Diserio, Eldridge, Ellem, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Ferns, Ferro, Fleischauer, Folk, Fragale, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Iaquinta, Ireland, Jones, Kump, Lane, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, McCuskey, Miley, Miller, Moore, Morgan, Moye, Nelson, E., Nelson, J., O'Neal, Overington, Pasdon, Paxton, Perdue, Perry, Pethel, Phillips, L., Phillips, R., Pino, Poling, D., Poling, M., Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, Smith, P., Smith, R., Sobonya, Sponaule, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Tomblin, Walters, Wells, Westfall, White, Williams and Young - **Designating the annual observance of March 31 as "West Virginia State Trooper Day"** - Adopted 3/29/13
- *15. By Del. Phillips, R. and Tomblin - **The "Curtis Emmet Lowe Bridge"** - Adopted 4/13/13
16. By Del. Phillips, R. and Tomblin - **The "Army Specialist-4 Harmon 'Hoppy' Lee Hopson Jr. Memorial Bridge"** - Adopted 4/13/13
- *17. By Del. Ashley and Walker - **The "State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Interchange"** - Adopted 4/13/13
18. By Del. Hamilton - **The "Cpl. Sherald P. Brady, U.S. Army Memorial Bridge"** - Adopted 4/13/13
- *19. By Del. Hamilton - **The "Corporal Ronald Lee Kesling USMC Memorial Bridge"** - Adopted 4/13/13
20. By Del. Rowan and Cowles - **The "Army Corporal Rex Marcel Sherman Memorial Bridge"** - Adopted 4/13/13
21. By Del. Hamilton and Lynch - **The "Upshur Civil War Company 'C'Militia Memorial Highway"** - Adopted 4/13/13
24. By Mr. Speaker (Mr. Thompson), Del. Staggers, Arvon, Azinger, Barill, Barrett, Boggs, Border, Campbell, Canterbury, Craig, Diserio, Eldridge, Ellington, Faircloth, Ferns, Fleischauer, Fragale, Frich, Guthrie, Hartman, Howell, Hunt, Jones, Lawrence, Lynch, Manypenny, Marshall, Miley, Morgan, Moye, O'Neal,

- Pasdon, Perry, Phillips, L., Pino, Poling, D., Phillips, R., Poling, M., Poore, Rowan, Skinner, Smith, P., Sobonya, Storch, Swartzmiller, Tomblin, Walker, Wells, White, Williams and Young - **The "Rex Lane Mullins Memorial Bridge"** - Adopted 4/13/13
- *25. By Mr. Speaker (Mr. Thompson) and Del. Perdue - **The "U.S. Army CPL Fred Russell Memorial Bridge"** - Adopted 4/13/13
26. By Del. Stowers and Eldridge - **The "Army Corporal Richard D. McGhee Memorial Triangle"** - Adopted 4/13/13
- *28. By Del. Stowers and Eldridge - **The "Mud River Pound Punchers Highway"** - Adopted 4/13/13
- *29. By Mr. Speaker (Mr. Thompson) and Del. Perdue - **The "Army Specialist-5 James R. Justice Memorial Bridge"** - Adopted 4/13/13
30. By Del. Howell, Azinger, Barrett, Border, Butler, Cadle, Canterbury, Craig, Evans, A., Folk, Gearheart, Hamrick, Nelson, J., Phillips, R., Rowan, Shott, Smith, P., Smith, R., Staggers, Storch, Swartzmiller, Westfall and Williams - **The "Army Sergeant Thomas Lawrence Dunithan Memorial Highway"** - Adopted 4/13/13
31. By Del. Howell, Azinger, Barrett, Border, Butler, Cadle, Canterbury, Craig, Ellem, Evans, A., Faircloth, Folk, Gearheart, Hamrick, Nelson, J., Overington, Phillips, R., Rowan, Shott, Smith, P., Smith, R., Staggers, Storch, Swartzmiller and Westfall - **The "WWII 78th Lightning Division Road"** - Adopted 3/25/13
33. By Del. Caputo, Longstreth and Manchin - **The "201st Artillery Drive"** - Adopted 3/29/13
- *35. By Del. Evans, A., Rowan, Azinger, Hamilton, Sumner, Hartman, Sponaule, Howell, Romine and Faircloth - **The "Charles Eugene Kessel Memorial Bridge"** - Adopted 4/13/13
- *36. By Mr. Speaker (Mr. Thompson) and Del. Perdue - **The "U.S. Army Private First Class Oscar Harper, Sr. Memorial Bridge"** - Adopted 4/13/13
- *38. By Del. Phillips, R. and Tomblin - **The "James Darrell Mangrum Memorial Bridge"** - Adopted 4/13/13
39. By Del. Longstreth, Caputo and Manchin - **The "PFC Harry Sine, Jr. Memorial Bridge"** - Adopted 4/13/13

40. By Del. White, Marcum, Moore and Phillips, L. - **The "Estel R. Stacy World War II Navy Veteran Memorial Bridge"** - Adopted 4/13/13
- *41. By Del. White, Marcum, Moore, Phillips, R., Tomblin, Eldridge and Stowers - **The "US Army Staff Sergeant Cornelius Nebo Lackey Memorial Bridge"** - Adopted 4/13/13
42. By Del. White, Marcum, Phillips, R., Stowers, Eldridge, Phillips, L., Moore, Tomblin and Reynolds - **The "Mike Whitt Visionary Leadership Highway"** - Adopted 3/25/13
45. By Del. Smith, P. - **The "Army PFC French E. Marsh Memorial Bridge"** - Adopted 4/13/13
46. By Del. Smith, P. - **The "Martha Ellen Taylor & Sons Memorial Bridge"** - Adopted 4/13/13
48. By Mr. Speaker (Mr. Thompson), Del. Marcum, White, Stowers, Eldridge, Phillips, R. and Tomblin - **The "Albert & Peggie Maynard Memorial Bridge"** - Adopted 4/13/13
- *49. By Del. Border, Anderson, Armstead, Sumner, Sobonya, Miller, Evans, A., Ellem, Azinger, Poling, D., Perdue, Andes, Arvon, Ashley, Barill, Barrett, Boggs, Butler, Cadle, Canterbury, Cooper, Cowles, Craig, Eldridge, Ellington, Espinosa, Evans, D., Faircloth, Ferns, Ferro, Fleischauer, Folk, Frich, Guthrie, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Ireland, Jones, Lane, Lawrence, Longstreth, Lynch, Manypenny, Marshall, McCuskey, Miley, Moore, Nelson, J., Nelson, E., O'Neal, Overington, Pasdon, Paxton, Perry, Phillips, L., Phillips, R., Pino, Poling, M., Poore, Raines, Reynolds, Romine, Rowan, Shott, Skinner, Smith, P., Smith, R., Sponaugle, Staggers, Stephens, Storch, Stowers, Tomblin, Walker, Walters, Westfall and Young - **The "Larry W. Border Memorial Bridge"** - Adopted 4/13/13
50. By Del. Storch, Ferns, Mr. Speaker (Mr. Thompson), Ambler, Anderson, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border, Butler, Cadle, Campbell, Caputo, Cooper, Cowles, Craig, Diserio, Eldridge, Ellem, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Ferro, Fleischauer, Folk, Fragale, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Iaquinta, Ireland, Jones, Lane, Lawrence, Longstreth, Lynch, Manypenny, Marcum, Marshall, McCuskey, Miley, Miller, Moore, Morgan, Moyer, Nelson, E., Nelson, J., O'Neal, Overington, Pasdon, Perdue, Perry, Pethel, Phillips, R., Pino, Poling, M., Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, Smith, R., Sobonya, Sponaugle, Staggers, Stephens, Stowers, Swartzmiller, Tomblin, Walker, Walters, Wells,

- Westfall, White, Williams and Young - **Requesting the Joint Committee on Government and Finance to schedule the June 2013 Legislative Interim Committee meetings in Wheeling during the week of June 20.** - Adopted 4/12/13
52. By Del. Walker, Iaquinta, Perry, Boggs and Fleischauer - **The "Richardson Brothers' Memorial Highway, United States Army, World War II"** - Adopted 4/13/13
- *54. By Del. Stowers, Phillips, R., Tomblin and Eldridge - **The "Sergeant First Class Thomas Clyde Farley Memorial Bridge"** - Adopted 4/13/13
- *55. By Del. Campbell, Hartman, Lynch, Williams, Skaff, Phillips, L., Staggers, Poling, M. and Reynolds - **The "Trooper Brian William Linn Memorial Bridge"** - Adopted 4/13/13
- *56. By Del. Faircloth, Folk, Andes, Arvon, Ashley, Azinger, Butler, Cadle, Campbell, Canterbury, Caputo, Diserio, Eldridge, Ellington, Espinosa, Evans, A., Evans, D., Ferns, Fleischauer, Frich, Gearheart, Guthrie, Hartman, Howell, Ireland, Lane, Lawrence, Longstreth, Lynch, Manypenny, McCuskey, Miller, Morgan, Nelson, E., Nelson, J., Paxton, Phillips, R., Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, Smith, P., Smith, R., Sobonya, Sponaugle, Staggers, Stephens, Stowers, Swartzmiller, Tomblin, Walker, Wells and Young - **The "John Edgar Saville Memorial Bridge"** - Adopted 4/13/13
- *57. By Del. Hartman and Campbell - **The "Fire Chief Lyle Ware Memorial Bridge"** - Adopted 4/13/13
58. By Del. Smith, P. - **The "Marine Lance Corporal Michael Steven Garrett Memorial Bridge"** - Adopted 4/13/13
59. By Del. Paxton, Poore, Smith, P., Skaff, Young, Eldridge, Fleischauer, Lynch, Sponaugle and Hartman - **The "Corporal Gerry Glen Simpson Memorial Bridge, United States Army"** - Adopted 4/13/13
62. By Del. Poling, D., Azinger, Ellem, Ambler, Armstead, Ashley, Canterbury, Caputo, Cowles, Craig, Diserio, Eldridge, Ellington, Evans, A., Evans, D., Faircloth, Ferns, Ferro, Fleischauer, Guthrie, Hamilton, Hunt, Jones, Lane, Marcum, Marshall, Miley, Moore, Morgan, Nelson, E., Pasdon, Perdue, Phillips, R., Poore, Reynolds, Romine, Smith, P., Smith, R., Stephens, Stowers, Tomblin, Walters, Wells and White - **The "Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge"** - Adopted 4/13/13

63. By Del. Cadle and Butler - **The "US Army SFC James Edward Duncan Memorial Bridge"** - Adopted 4/13/13
65. By Del. Skaff, Guthrie, Wells, Poore, Raines, Nelson, E., McCuskey and Hunt - **The "Jimmie Stewart Pauley Memorial Bridge"** - Adopted 4/13/13
66. By Del. Eldridge, Stowers, Phillips, R. and Tomblin - **The "PFC Casey West Memorial Bridge, United States Navy"** - Adopted 4/13/13
68. By Del. Perry, Staggers, Pino, Iaquina, Moore, Marshall and Poore - **The "Army Maj. Gen. Charles C. Rogers Memorial Bridge"** - Adopted 3/25/13
73. By Del. Marcum, White, Perdue, Moore and Mr. Speaker (Mr. Thompson) - **The "Nancy E. May Memorial Bridge"** - Adopted 4/13/13
74. By Del. Hamrick, Miley, Iaquina, Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Border, Butler, Cadle, Canterbury, Cowles, Ellem, Espinosa, Evans, D., Gearheart, Howell, Kump, Lane, McCuskey, Nelson, E., Overington, Pasdon, Raines, Shott, Smith, R., Storch, Sumner, Walters, Westfall and Williams - **The "USMC LCpl. David Lee Powell Memorial Bridge"** - Adopted 4/13/13
75. By Del. Iaquina, Longstreth, Fragale, Paxton, Miley, Armstead, Manchin, O'Neal, Azinger, Hamrick and Boggs - **The "USN S2C Jack Wade and USMC PFC Don Wade Memorial Bridge"** - Adopted 4/13/13
78. By Del. Iaquina, Miley, Fragale, Barill, Manchin, Caputo, Longstreth, Manypenny, Smith, P., Mr. Speaker (Mr. Thompson) and Hamrick - **The "Louis J. 'Zeke' Trupo Bridge"** - Adopted 4/13/13
79. By Del. Marcum, White, Boggs, Perdue, Barrett, Tomblin, Phillips, R., Stowers, Lynch, Stephens and Reynolds - **The "Joe Curtis (Joey) Dingess Memorial Bridge"** - Adopted 4/13/13
- *81. By Del. Romine, Evans, A., Rowan and Azinger - **The "Brigadier General Timothy C. Barrick Memorial Bridge"** - Adopted 4/13/13
87. By Del. Romine - **Requesting the Division of Highways to erect signs at the Tyler County line that read "Home of the 2011 FFA Land Judging and Homesite Evaluation National Champions"** - Adopted 4/13/13
89. By Del. Staggers - **The "Navy AD3 Jack Lively Memorial Bridge"** - Adopted 4/13/13

91. By Mr. Speaker (Mr. Thompson) and Del. Perdue - **The "Platoon Sgt. Clifford Tomblin Highway, United States Army"** - Adopted 4/13/13
92. By Del. Phillips, R., Stowers, Eldridge and Tomblin - **The "Army Corporal Randell Maynard Bridge"** - Adopted 4/13/13
96. By Mr. Speaker (Mr. Thompson) and Del. Perdue - **The "Army Sgt. Paul Witman Carroll Memorial Bridge"** - Adopted 4/13/13
105. By Del. Guthrie, Perdue, Marshall, Poore, Phillips, L., Reynolds, Poling, D., Iaquina, Craig and Skaff - **Requesting a study on the necessity of hiring additional fraud investigators for the Department of Health and Human Resources and the Medicaid Fraud Control Unit** - Adopted 4/12/13
- *106. By Del. Walters, Andes, Craig, Smith, R., Moye, Faircloth, Cadle, Nelson, E., Sobonya, Mr. Speaker (Mr. Thompson), Ambler, Anderson, Armstead, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border, Butler, Campbell, Canterbury, Caputo, Cooper, Diserio, Eldridge, Ellem, Ellington, Espinosa, Evans, A., Evans, D., Ferns, Ferro, Fleischauer, Folk, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Householder, Hunt, Iaquina, Ireland, Jones, Kump, Lane, Lawrence, Longstreth, Lynch, Manchin, Marcum, Marshall, Miley, Miller, Moore, Morgan, Nelson, J., O'Neal, Overington, Pasdon, Paxton, Perdue, Pethel, Phillips, L., Phillips, R., Pino, Poling, D., Poling, M., Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, Smith, P., Sponaugle, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Tomblin, Walker, Wells, Westfall, White, Williams and Young - **The "O. Winston Link Trail"** - Adopted 4/13/13
108. By Del. Eldridge, Stowers, Tomblin, Phillips, R., White and Marcum - **The "Army Specialist Fourth Class Tommy Joe Belcher Memorial Bridge"** - Adopted 4/13/13
110. By Del. Westfall, Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border, Butler, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Craig, Diserio, Eldridge, Ellem, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Ferns, Ferro, Fleischauer, Folk, Frich, Gearheart, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Iaquina, Ireland, Jones, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, McCuskey, Miley, Miller, Moore, Morgan, Moye, Nelson, E., Nelson, J., O'Neal, Overington, Pasdon, Paxton, Perdue, Perry, Phillips, L., Phillips, R., Pino, Poling, D., Poling, M., Poore, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, Smith, P., Smith, R., Sobonya, Sponaugle, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Mr. Speaker (Mr. Thompson), Tomblin, Walker, Walters, Wells, Williams and Young - **The "Boyd Leon Parsons Memorial Bridge"** - Adopted 4/13/13

112. By Del. Marcum and White - **The "Army Command Sergeant Major Wade Damron Memorial Bridge"** - Adopted 4/13/13
118. By Mr. Speaker (Mr. Thompson), Del. Perdue, Stephens and Reynolds - **The "U.S. Marine Corps PFC Daniel L. Edwards Memorial Bridge"** - Adopted 4/13/13
- *120. By Del. Ashley - **The "1st Sergeant Walter Criss Bridge, United States Army"** - Adopted 4/13/13
- *121. By Del. Anderson, Border, Azinger, Poling, D. and Ellem - **The "LSC (SS) Andrew Scott Mollohan Memorial Bridge"** - Adopted 4/13/13
125. By Del. Azinger - **The "Army Sergeant Richard Bowry Memorial Bridge"** - Adopted 4/13/13
126. By Del. Marcum, White, Moore, Craig and Perdue - **The "John Jacob Fry II Memorial Highway"** - Adopted 4/13/13
133. By Mr. Speaker (Mr. Thompson) and Del. Perdue - **The "James T. and Paul T. Billups Bridge"** - Adopted 4/13/13
135. By Mr. Speaker (Mr. Thompson), Del. Eldridge, Phillips, R., White, Manchin, Jones, Diserio, Manypenny, Frich, Westfall, Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border, Butler, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Craig, Ellem, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Ferns, Ferro, Fleischauer, Folk, Fragale, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Iaquina, Ireland, Kump, Lane, Lawrence, Longstreth, Lynch, Marcum, Marshall, McCuskey, Miley, Miller, Moore, Morgan, Moye, Nelson, E., O'Neal, Overington, Pasdon, Paxton, Perdue, Perry, Pethtel, Phillips, L., Pino, Poling, D., Poling, M., Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, Smith, P., Smith, R., Sobonya, Sponaugle, Staggars, Stephens, Storch, Stowers, Sumner, Swartzmiller, Tomblin, Walker, Walters, Wells, Williams and Young - **Proclaiming West Virginia as a Purple Heart State** - Adopted 4/13/13
140. By Del. Phillips, R., Caputo, Hartman, Tomblin, Eldridge, Lynch, Craig, Iaquina, Stowers, White, Mr. Speaker (Mr. Thompson), Andes, Armstead, Barill, Barrett, Boggs, Campbell, Canterbury, Diserio, Ferns, Ferro, Fleischauer, Gearheart, Hamilton, Jones, Lawrence, Longstreth, Marcum, Marshall, Morgan, Moye, Nelson, E., O'Neal, Paxton, Perry, Pethtel, Phillips, L., Poling, D., Poling, M., Reynolds, Shott, Skaff, Skinner, Smith, P., Sobonya, Sponaugle, Staggars, Stephens, Storch, Swartzmiller, Walker, Westfall, Williams and Young - **Recognizing July 16 as "Atomic Veterans Day of Remembrance" in West Virginia** - Adopted 4/13/13

SENATE BILLS VETOED BY GOVERNOR

- *21. By Sen. Stollings, Jenkins and Kessler (Mr. President) - **Creating Health Care Provider Transparency Act** - Passed 4/13/13 - To Governor 4/26/13 - Vetoed by Governor 4/29/13
65. By Sen. Tucker, Miller, Sypolt and Williams - **Exempting PERS retirement income of DNR police officers from state income tax** (original same as H. B. No. 3014) - Passed 4/12/13 - To Governor 4/23/13 - Vetoed by Governor 5/3/13
331. By Sen. Kessler (Mr. President), Unger, Miller, Laird, D. Hall, Beach, Williams and Plymale - **Permitting Courthouse Facilities Improvement Authority to issue bonds** (original same as H. B. No. 2988) - Passed 4/12/13 - To Governor 4/23/13 - Vetoed by Governor 5/3/13

**HOUSE BILLS VETOED BY GOVERNOR, AMENDED,
REPASSED LEGISLATURE, APPROVED BY GOVERNOR**

- *2431. By Del. Phillips, R., Cowles, Hunt, Marcum, Moye, Pethtel and Stowers - **Modifying the application process for obtaining a state license to carry a concealed deadly weapon** - Passed 4/13/2013 - To Governor 4/17/13 - Vetoed by Governor 4/17/13 - House amended and repassed to meet the objections of the Governor 4/17/13 - Senate concurred in House amendment 4/17/13 - Passed Senate 4/17/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 34, Acts, 2013
2814. By Del. Fleischauer, Poore, Guthrie, Moore, Sobonya, Hunt, Longstreth, Phillips, L., Marshall, Manchin and Wells - **Relating to human trafficking** - Passed 4/13/2013 - To Governor 4/17/13 - Vetoed by Governor 4/17/13 - House amended and repassed to meet the objections of the Governor 4/17/13 - Senate concurred in House amendment 4/17/13 - Passed Senate 4/17/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 101, Acts, 2013
3160. By Del. Walker, Stowers, Barill, Cooper, Campbell, Lawrence, Young, Tomblin, Hamrick, Espinosa and Westfall (Originating in House Education) - **Providing for a pilot initiative on governance of schools jointly established by adjoining counties** - Passed 4/13/2013 - To Governor 4/17/13 - Vetoed by Governor 4/17/13 - House amended and repassed to meet the objections of the Governor 4/17/13 - Senate concurred in House amendment 4/17/13 - Passed Senate 4/17/13 - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 60, Acts, 2013

HOUSE BILLS VETOED BY GOVERNOR

- *2738. By Del. Perdue, Perry, Fleischauer, Lawrence, Marshall and Moore - **Relating to the Center for Nursing** - Passed 4/13/2013 - To Governor 5/1/13 - Vetoed by Governor 5/3/13

SENATE BILLS DIED IN CONFERENCE

623. By Sen. Plymale, Chafin, Cole, Stollings, Cookman, Cann and Jenkins - **Relating to funding for probation officers to address truancy** - To conference 4/13/13. House conferees: Stowers, Campbell, Pasdon; Senate conferees: Plymale, Chafin, Cole

ALL SENATE BILLS INTRODUCED

1. By Sen. Plymale, Jenkins, Stollings and McCabe - **Relating to comprehensive agreements for public-private transportation facilities** - Introduced 2/13/13 - To Transportation and Infrastructure then Finance
2. By Sen. Sypolt, Barnes, Blair, Stollings, D. Hall, McCabe, Williams, Cole and Carmichael - **Limiting landowner's civil liability for hunting injuries** - Introduced 2/13/13 - To Natural Resources then Judiciary
3. By Sen. Jenkins - **Relating to WV Rt. 2 and I-68 Authority** - Introduced 2/13/13 - To Transportation and Infrastructure then Government Organization
4. By Sen. Jenkins, Barnes, D. Hall and Green - **Requiring certain defendants pay cost of incarceration** - Introduced 2/13/13 - To Judiciary then Finance
5. By Sen. Jenkins and Plymale - **Relating to temporary detention of criminal suspects** (original similar to H. B. No. 2058) - Introduced 2/13/13 - To Judiciary
6. By Sen. Jenkins, Plymale, McCabe and Green - **Extending civil liability immunity to parks and recreation district operators** - Introduced 2/13/13 - To Natural Resources then Judiciary
7. By Sen. Jenkins, Barnes, McCabe, Cole and Carmichael - **Providing for nonpartisan election of Supreme Court Justices** (original similar to H. B. No. 2479 and H. B. No. 3012) - Introduced 2/13/13 - To Judiciary
8. By Sen. Jenkins and Fitzsimmons - **Requiring additional confinement when minor is utilized in commission of crime** - Introduced 2/13/13 - To Judiciary

9. By Sen. Jenkins and McCabe - **Permitting nonrenewal of auto liability insurance policies for failure of consideration** - Introduced 2/13/13 - To Banking and Insurance then Judiciary
10. By Sen. Jenkins and Plymale - **Permitting independent initiation of disciplinary proceedings by certain licensing boards** - Introduced 2/13/13 - To Government Organization then Judiciary - To Judiciary 3/20/13 - Amended - Passed Senate with amended title 3/27/13 - Effective July 1, 2013 - To House 3/28/13 - To Government Organization then Judiciary - To House Judiciary 4/2/13
- *11. By Sen. Stollings, Jenkins and Beach - **Relating to schedules of controlled substances** - Introduced 2/13/13 - To Health and Human Resources then Judiciary - Com. sub. reported 3/13/13 - To Judiciary 3/13/13 - Com. sub. for com. sub. reported 3/20/13 - Passed Senate 3/25/13 - To House 3/26/13 - To Health and Human Resources then Judiciary
12. By Sen. M. Hall, Barnes and McCabe - **Relating to employer and third-party liability under workers' compensation deliberate intention exception** - Introduced 2/13/13 - To Banking and Insurance then Judiciary
13. By Sen. M. Hall, Blair, Sypolt and Carmichael - **Requiring voter ID** (original similar to hb 2215, H. B. No. 2350, H. B. No. 3107 and H. B. No. 3117) - Introduced 2/13/13 - To Judiciary then Finance
14. By Sen. Nohe - **Granting counties and municipalities limited exemption from litter laws** - Introduced 2/13/13 - To Natural Resources then Judiciary
15. By Sen. Green - **Relating to limitation on post-retirement earnings by PERS retirees** - Introduced 2/13/13 - To Pensions then Finance
16. By Sen. Green and Miller - **Creating Grieving Parents Act** - Introduced 2/13/13 - To Judiciary
17. By Sen. Williams and Beach - **Imposing consumers sales tax on utility terrain vehicle sales** (original same as H. B. No. 2150) - Introduced 2/13/13 - To Transportation and Infrastructure then Finance
- *18. By Sen. Jenkins and McCabe - **Relating to appraisal method for certain multifamily rental property for ad valorem property tax** - Introduced 2/13/13 - To Judiciary then Finance - Com. sub. reported 3/22/13 - To Finance 3/22/13
19. By Sen. Jenkins and Plymale - **Providing personal income tax credit for recycling service fees** - Introduced 2/13/13 - To Finance

20. By Sen. Jenkins - **Exempting certain taxicab companies from Workers' Compensation Fund subscription** (original similar to H. B. No. 2451) - Introduced 2/13/13 - To Judiciary then Finance
- *21. By Sen. Stollings, Jenkins and Kessler (Mr. President) - **Creating Health Care Provider Transparency Act** - Introduced 2/13/13 - To Health and Human Resources then Government Organization - Com. sub. reported 3/8/13 - To Government Organization 3/8/13 - Passed Senate 4/1/13 - To House 4/2/13 - To Health and Human Resources then Judiciary - To House Judiciary - Amended - Passed House 4/13/13 - Title amended - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 4/26/13 - Vetoed by Governor 4/29/13
- *22. By Sen. Stollings, Jenkins, Kessler (Mr. President), Miller and Beach - **Requiring maternity services coverage for all health insurance plan dependents in certain circumstances** (original similar to H. B. No. 2383) - Introduced 2/13/13 - To Banking and Insurance then Finance - Com. sub. reported 3/19/13 - To Finance 3/19/13 - Passed Senate 4/2/13 - To House 4/3/13 - To Judiciary - Amended - Passed House 4/13/13 - Title amended - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 104, Acts, Regular Session, 2013
23. By Sen. Stollings, Jenkins, Laird, Kessler (Mr. President), Miller and Beach - **Relating to use of epinephrine in emergency situations** - Introduced 2/13/13 - To Health and Human Resources
24. By Sen. Stollings, Jenkins, Barnes, Cole and Carmichael - **Subjecting actions brought against nursing homes to Medical Professional Liability Act** (original similar to S. B. No. 101) - Introduced 2/13/13 - To Judiciary
25. By Sen. Stollings and Jenkins - **Relating to modified mental hygiene procedures** - Introduced 2/13/13 - To Judiciary
- *26. By Sen. Stollings and Yost - **Requiring health insurance coverage for hearing aids under certain circumstances** - Introduced 2/13/13 - To Banking and Insurance then Finance - Com. sub. reported 2/26/13 - To Finance 2/26/13
- *27. By Sen. Stollings, Jenkins, Laird and Kessler (Mr. President) - **Relating to administration of opioid antidote in emergency situations** - Introduced 2/13/13 - To Health and Human Resources then Judiciary - To Judiciary 3/13/13 - Com. sub. reported 3/15/13 - Passed Senate 3/20/13 - To House 3/21/13 - To Health and Human Resources then Judiciary - To House Judiciary 4/3/13

- *28. By Sen. Green - **Relating to minors obtaining tattoos** - Introduced 2/13/13 - To Health and Human Resources then Judiciary - Com. sub. reported 3/15/13 - To Judiciary 3/15/13
29. By Sen. Stollings, Jenkins, Laird, Plymale and Miller - **Providing tax incentive to dental practitioners servicing indigent patients** (original similar to H. B. No. 2276) - Introduced 2/13/13 - To Health and Human Resources then Finance
30. By Sen. Stollings, Jenkins, Laird and Miller - **Requiring DHHR and Medicaid to provide dental coverage to certain mothers of newborns** (original similar to H. B. No. 2433) - Introduced 2/13/13 - To Health and Human Resources then Finance - To Finance 3/15/13
31. By Sen. Stollings, Laird, Miller and Carmichael - **Creating Dentist and Hygienist Education Student Loan Fund** - Introduced 2/13/13 - To Education then Finance
32. By Sen. Stollings - **Relating to evidentiary provisions of Wiretapping and Electronic Surveillance Act** - Introduced 2/13/13 - To Judiciary
33. By Sen. Jenkins, Fitzsimmons, Sypolt and Williams - **Exempting all military retirement income from state income tax** (original similar to S. B. No. 133) - Introduced 2/13/13 - To Military then Finance
34. By Sen. Jenkins and McCabe - **Relating to motor vehicle glass replacement and repair referrals** - Introduced 2/13/13 - To Banking and Insurance then Judiciary
35. By Sen. Williams and Sypolt - **Requiring filing fee for write-in candidates for public office** - Introduced 2/13/13 - To Judiciary then Finance
36. By Sen. Plymale and McCabe - **Relating to adoption of English and math college- and career-readiness standards** - Introduced 2/13/13 - To Education
37. By Sen. Plymale, Jenkins and Stollings - **Relating to high-quality digital learning program and Global 21 Middle School initiative** - Introduced 2/13/13 - To Education then Finance
38. By Sen. Jenkins - **Creating Higher Education Community School Law** - Introduced 2/13/13 - To Education then Finance
39. By Sen. Jenkins, Stollings, Kessler (Mr. President), Sypolt, McCabe, Williams, Cole and Carmichael - **Creating Jobs Impact Statement Act** (original similar to H. B. No. 2507, H. B. No. 2844 and S. B. No. 187) - Introduced 2/13/13 - To Economic Development then Finance

40. By Sen. Stollings, Jenkins and Miller - **Permitting expedited partner therapy** (original same as H. B. No. 2523 and S. B. No. 201) - Introduced 2/13/13 - To Health and Human Resources then Judiciary
41. By Sen. Barnes - **Creating Support our Law Enforcement and Safe Neighborhoods Act** - Introduced 2/13/13 - To Judiciary then Finance
42. By Sen. Barnes and Williams - **Providing state income tax credit for certain firefighters** - Introduced 2/13/13 - To Government Organization then Finance
43. By Sen. Barnes, Blair and Walters - **Prohibiting abortion motivated by gender of fetus** (original similar to H. B. No. 2371) - Introduced 2/13/13 - To Health and Human Resources then Judiciary
44. By Sen. Barnes - **Requiring assistant principals in schools of certain enrollment** - Introduced 2/13/13 - To Education then Finance
45. By Sen. Barnes - **Relating to biometric and social security number religious exemption on driver's license** - Introduced 2/13/13 - To Transportation and Infrastructure then Judiciary
46. By Sen. Barnes - **Decreasing number of jurors on municipal jury** - Introduced 2/13/13 - To Judiciary then Finance
- *47. By Sen. Williams, Miller, Sypolt and Beach - **Creating General Livestock Trespass Law** - Introduced 2/13/13 - To Agriculture and Rural Development then Judiciary - To Judiciary 2/19/13 - Com. sub. reported 2/28/13 - Passed Senate 3/5/13 - To House 3/6/13 - To Agriculture then Judiciary
48. By Sen. Barnes - **Requiring all available medical care of fetus following abortion** (original same as H. B. No. 2083) - Introduced 2/13/13 - To Health and Human Resources then Judiciary
49. By Sen. Barnes and Blair - **Exempting certain motor vehicles from personal property tax and requiring antique licenses** - Introduced 2/13/13 - To Transportation and Infrastructure then Finance
50. By Sen. Plymale, Jenkins, Stollings and McCabe - **Creating WV Land Stewardship Corporation Act** (original similar to H. B. No. 2590 and S. B. No. 342) - Introduced 2/13/13 - To Judiciary then Finance
51. By Sen. Jenkins and Barnes - **Providing personal income tax credit for nursing faculty** - Introduced 2/13/13 - To Health and Human Resources then Finance

52. By Sen. Plymale, Jenkins and Stollings - **Relating to Rural Health Initiative Act** - Introduced 2/13/13 - To Education then Finance - To Finance 2/22/13 - Passed Senate 3/29/13 - To House 4/1/13 - To Health and Human Resources then Finance - To House Finance 4/3/13
53. By Sen. Tucker - **Clarifying appointment of attorney from public defender office as counsel for eligible clients** - Introduced 2/13/13 - To Judiciary
54. By Sen. Jenkins - **Relating to qualifications of magistrates** - Introduced 2/13/13 - To Judiciary
- *55. By Sen. Sypolt, McCabe and Carmichael - **Exempting homeowners' association dues, fees and assessments from consumers sales and service tax** - Introduced 2/13/13 - To Government Organization then Finance - Com. sub. reported 2/21/13 - To Finance 2/21/13
56. By Sen. Sypolt, Blair, Cole and Carmichael - **Creating Intrastate Coal and Use Act** (original same as H. B. No. 2214) - Introduced 2/13/13 - To Energy, Industry and Mining then Judiciary
57. By Sen. Tucker - **Providing resident tuition rates to nonresident children of WV higher education institution graduates** - Introduced 2/13/13 - To Education then Finance
58. By Sen. Tucker - **Providing for construction of Lou Tabit Freeway** - Introduced 2/13/13 - To Transportation and Infrastructure then Finance
59. By Sen. Tucker and Beach - **Creating crossbow hunting license** (original similar to H. B. No. 2792) - Introduced 2/13/13 - To Natural Resources then Finance
- *60. By Sen. Tucker and Fitzsimmons - **Relating to name-change notice publication requirements** - Introduced 2/13/13 - To Judiciary - Com. sub. reported 2/21/13 - Passed Senate 2/26/13 - To House 2/27/13 - To Judiciary - Amended - Passed House 4/10/13 - Title amended - Senate concurred in House amendment and passed bill 4/11/13 - To Governor 4/15/13 - Approved by Governor 4/18/13 - Chapter 48, Acts, Regular Session, 2013
61. By Sen. Sypolt - **Exempting sales of medication prescribed by veterinarians from consumers sales and service tax** - Introduced 2/13/13 - To Agriculture and Rural Development then Finance
62. By Sen. Sypolt, Barnes and Walters - **Increasing low-income qualifier rate for homestead tax credit** - Introduced 2/13/13 - To Judiciary then Finance

63. By Sen. Sypolt and Miller - **Requiring equal number of county planning commission members from each magisterial district** - Introduced 2/13/13 - To Government Organization then Judiciary
64. By Sen. Sypolt and Blair - **Prohibiting abortions at state college or university medical facilities; exception** - Introduced 2/13/13 - To Health and Human Resources then Judiciary
65. By Sen. Tucker, Miller, Sypolt and Williams - **Exempting PERS retirement income of DNR police officers from state income tax** (original same as H. B. No. 3014) - Introduced 2/13/13 - To Pensions then Finance - To Finance 3/4/13 - Passed Senate 4/2/13 - To House 4/3/13 - To Pensions and Retirement then Finance - To House Finance - Passed House 4/12/13 - To Governor 4/23/13 - Vetoed by Governor 5/3/13
66. By Sen. Sypolt - **Eliminating requirement that schools input data into WVEIS** - Introduced 2/13/13 - To Education then Judiciary
67. By Sen. Sypolt - **Reinstating former paid fire department chiefs under certain circumstances** (original similar to H. B. No. 2789) - Introduced 2/13/13 - To Government Organization then Judiciary
68. By Sen. Sypolt, D. Hall and Williams - **Creating WV Firearms Freedom Act** (original similar to H. B. No. 2427) - Introduced 2/13/13 - To Judiciary
69. By Sen. Edgell and Jenkins - **Providing faculty and staff at state institutions of higher education eligible for Legislature** - Introduced 2/13/13 - To Education then Judiciary
70. By Sen. Miller - **Authorizing Secretary of State dissolve corporate entities or revoke certificates of authority under certain circumstances** (original similar to H. B. No. 2553) - Introduced 2/13/13 - To Judiciary
- *71. By Sen. Sypolt, McCabe and Williams - **Requiring descriptions of easements and rights-of-way include width in addition to centerline; exception** - Introduced 2/13/13 - To Judiciary - Com. sub. reported 2/20/13 - Amended on 3rd reading - Passed Senate with amended title 2/26/13 - To House 2/27/13 - To Judiciary - Amended on 3rd reading - Passed House 4/10/13 - Senate concurred in House amendment and passed bill 4/11/13 - To Governor 4/15/13 - Approved by Governor 4/18/13 - Chapter 53, Acts, Regular Session, 2013
72. By Sen. Miller - **Creating WV Criminal and Civil Forfeiture Act** - Introduced 2/13/13 - To Judiciary then Finance

73. By Sen. Edgell, Jenkins, Yost, Fitzsimmons and Beach - **Establishing criminal penalties for custodian's failure to report missing child** - Introduced 2/13/13 - To Judiciary
- *74. By Sen. Sypolt - **Relating to jury service qualification** - Introduced 2/13/13 - To Judiciary - Com. sub. reported 2/15/13 - Amended on 3rd reading - Passed Senate with amended title 2/20/13 - To House 2/21/13 - To Judiciary - Passed House 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 110, Acts, Regular Session, 2013
75. By Sen. Facemire, Jenkins, Barnes, Kessler (Mr. President), Unger, Snyder, Miller, Sypolt, Williams, Green and Plymale - **Increasing salaries of State Police civilian and forensic lab employees** (original same as H. B. No. 2095 - similar to S. B. No. 356) - Introduced 2/13/13 - To Government Organization then Finance - To Finance 2/21/13
- *76. By Sen. Facemire - **Permitting certain voters who have moved to vote for President and Vice President** - Introduced 2/13/13 - To Judiciary - Com. sub. reported 2/21/13 - Passed Senate 2/26/13 - To House 2/27/13 - To Judiciary
77. By Sen. Facemire - **Relating to wills and descent and distribution upon legal separation** (original same as H. B. No. 2424) - Introduced 2/13/13 - To Judiciary
78. By Sen. Facemire - **Excepting income or earnings from equitable distribution asset in determining spousal support** - Introduced 2/13/13 - To Judiciary
79. By Sen. Edgell - **Prohibiting fractional pricing in retail gasoline sales** (original same as H. B. No. 2363) - Introduced 2/13/13 - To Transportation and Infrastructure then Judiciary
- *80. By Sen. Edgell - **Including substitute teaching in job duties of certain professional educators employed by county boards** - Introduced 2/13/13 - To Education then Finance - Com. sub. reported 3/22/13 - 2nd reference dispensed - Passed Senate 3/27/13 - Effective July 1, 2013 - To House 3/28/13 - To Education - Passed House 4/9/13 - Effective July 1, 2013 - To Governor 4/15/13 - Approved by Governor 4/17/13 - Chapter 62, Acts, Regular Session, 2013
81. By Sen. Beach, Kessler (Mr. President), Plymale, McCabe and Williams - **Permitting Monongalia County Commission levy special district excise tax for University Towne Center** (original similar to S. B. No. 125) - Introduced 2/13/13 - To Government Organization then Finance
82. By Sen. Snyder, Blair and Unger - **Relating to public service district board membership** - Introduced 2/13/13 - To Government Organization - Passed Senate

- 2/26/13 - Effective July 1, 2013 - To House 2/27/13 - To Government Organization - Amended - Passed House 4/12/13 - Title amended - Effective July 1, 2013 - Senate concurred in House amendment and passed bill 4/13/13 - Effective July 1, 2013 - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 163, Acts, Regular Session, 2013
83. By Sen. Beach - **Relating to residency requirements for campus police officers** (original same as H. B. No. 2247) - Introduced 2/13/13 - To Education then Judiciary
84. By Sen. Tucker - **Providing lender with security interest to advance sums preventing collateral protection insurance lapse** - Introduced 2/13/13 - To Banking and Insurance then Judiciary
85. By Sen. Sypolt and Barnes - **Permitting filing of bond in escrow to cover mechanic's lien** - Introduced 2/13/13 - To Government Organization then Judiciary - To Judiciary 2/21/13
86. By Sen. Sypolt - **Designating English official state language** (original same as H. B. No. 2106) - Introduced 2/13/13 - To Government Organization then Finance
87. By Sen. Sypolt and Williams - **Relating to number of juror strikes in felony cases** (original similar to H. B. No. 2892) - Introduced 2/13/13 - To Judiciary
- *88. By Sen. Green, Miller, Sypolt and McCabe - **Prohibiting certain campaign contributions by lobbyists during regular session** - Introduced 2/13/13 - To Judiciary then Finance - Com. sub. reported 3/27/13 - On 2nd reading to Finance 3/27/13
89. By Sen. Walters and Blair - **Requiring replacement of public rest area, institution and school urinals be water free** - Introduced 2/13/13 - To Government Organization then Finance
- *90. By Sen. Miller, Jenkins, Yost, Unger, Fitzsimmons and Beach - **Creating felony offense of DUI causing death or serious bodily injury** - Introduced 2/13/13 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 3/28/13 - On 2nd reading to Judiciary 3/28/13 - Com. sub. for com. sub. reported 4/1/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary
91. By Sen. Walters - **Creating pilot program incorporating Khan method of teaching math** - Introduced 2/13/13 - To Education then Finance
92. By Sen. Cann - **Including Salem International University as eligible PROMISE scholarship institution** - Introduced 2/13/13 - To Education then Finance

93. By Sen. Cann and Beach - **Relating to parental notification of abortion on minor** - Introduced 2/13/13 - To Judiciary then Finance
94. By Sen. Cann - **Providing salary increase for certain teachers** - Introduced 2/13/13 - To Education then Finance
95. By Sen. Cann, Plymale and Williams - **Creating business and occupation tax credit to electric power generators using certain WV mined coal** - Introduced 2/13/13 - To Energy, Industry and Mining then Finance
96. By Sen. Cann and Williams - **Expanding PERS military service credit to certain veterans** - Introduced 2/13/13 - To Pensions then Finance
97. By Sen. Cann - **Providing personal income tax credit for qualified college student loans** - Introduced 2/13/13 - To Education then Finance
- *98. By Sen. Cann, Stollings, McCabe, Williams and Green - **Creating Shale Research, Education, Policy and Economic Development Center at WVU** - Introduced 2/13/13 - To Education then Finance - Com. sub. reported 3/27/13 - To Finance 3/27/13 - Passed Senate 4/2/13 - To House 4/3/13 - To Education then Finance
99. By Sen. Cann - **Prohibiting increases in assessed value of real property under certain circumstances** - Introduced 2/13/13 - To Government Organization then Finance
- *100. By Sen. Laird, Miller and Williams - **Requiring mandatory use of armored vests by law enforcement** - Introduced 2/13/13 - To Judiciary then Finance - Com. sub. reported 3/13/13 - To Finance 3/13/13
- *101. By Sen. McCabe, Cann, Miller, Jenkins and Barnes - **Clarifying Medical Professional Liability Act applies to nursing homes and their health care providers** (original same as H. B. No. 2391 - similar to S. B. No. 24) - Introduced 2/13/13 - To Health and Human Resources then Judiciary - Com. sub. reported 2/22/13 - To Judiciary 2/22/13 - Com. sub. for com. sub. reported 3/1/13 - Passed Senate 3/6/13 - Effective July 1, 2013 - To House 3/7/13 - To Judiciary - Amended - Passed House 4/13/13 - Effective July 1, 2013 - Senate concurred in House amendment and passed bill 4/13/13 - Effective July 1, 2013 - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 142, Acts, Regular Session, 2013
- *102. By Sen. Snyder and Plymale - **Authorizing PSC promulgate rules establishing capacity improvement fee requirements** - Introduced 2/13/13 - To Government Organization then Judiciary - Com. sub. reported 3/7/13 - To Judiciary 3/7/13

- *103. By Sen. Snyder, Miller and Beach - **Creating WV Commuter Rail Access Act** (original same as H. B. No. 2879) - Introduced 2/13/13 - To Transportation and Infrastructure then Finance - Com. sub. reported 3/7/13 - To Finance 3/7/13 - Amended - Passed Senate 4/2/13 - To House 4/3/13 - To Finance - Amended - Passed House 4/13/13 - Title amended - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 31, Acts, Regular Session, 2013
104. By Sen. Laird, Stollings, Kessler (Mr. President), Miller and Fitzsimmons - **Providing personal income tax deduction for spaying or neutering** - Introduced 2/13/13 - To Agriculture and Rural Development then Finance
105. By Sen. Tucker, Fitzsimmons, Williams and Beach - **Waiving adoption filing fees in certain cases** - Introduced 2/13/13 - To Judiciary then Finance
- *106. By Sen. McCabe, Miller, Cann, Jenkins, Laird, Stollings and Beach - **Relating to Bureau of Senior Services in-home care worker registry** (original same as H. B. No. 2395) - Introduced 2/13/13 - To Government Organization then Judiciary - Com. sub. reported 3/7/13 - To Judiciary 3/7/13
107. By Sen. Laird and Miller - **Relating to selection of state agency administrative hearing examiners** - Introduced 2/13/13 - To Government Organization then Judiciary - To Judiciary 3/7/13
108. By Sen. Laird, Stollings, Jenkins, Plymale and Miller - **Creating Fatality and Mortality Review Team** (original similar to hb 2288) - Introduced 2/13/13 - To Health and Human Resources then Government Organization - To Government Organization 2/22/13 - Passed Senate with amended title 3/18/13 - To House 3/18/13 - To Health and Human Resources then Government Organization - 2nd reference dispensed - Amended - Passed House 4/10/13 - Title amended - Senate concurred in House amendment and passed bill 4/11/13 - Senate requests return of bill from House - Senate reconsidered passage of bill - Senate reconsidered and refused to concur in House amendment - House refused to recede and requested conference 4/12/13 - To conference 4/12/13 - Senate adopted conference report and passed bill 4/13/13 - House adopted conference report and passed bill 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 82, Acts, Regular Session, 2013
109. By Sen. Beach and Williams - **Increasing number of magistrates** (original similar to H. B. No. 2212) - Introduced 2/13/13 - To Judiciary then Finance
- *110. By Sen. Palumbo, Jenkins and McCabe - **Requiring certain property reassessments be phased in** (original similar to H. B. No. 2041, H. B. No. 2077,

- H. B. No. 2444 and H. B. No. 2486) - Introduced 2/13/13 - To Judiciary then Finance - Com. sub. reported 3/28/13 - On 2nd reading to Finance 3/28/13
111. By Sen. Unger, Jenkins, Laird and McCabe - **Creating Dyslexia Screening and Intervention Pilot Project** - Introduced 2/13/13 - To Education then Finance
112. By Sen. Laird, Miller and Beach - **Relating generally to suspension or revocation of driver's license** - Introduced 2/13/13 - To Transportation and Infrastructure then Judiciary
113. By Sen. M. Hall, Jenkins, Barnes, Blair and Carmichael - **Creating Civil Justice Reform Act of 2013** - Introduced 2/13/13 - To Judiciary then Finance
114. By Sen. Miller - **Relating to public school nurses** - Introduced 2/13/13 - To Education then Finance
115. By Sen. Stollings - **Relating generally to horse and dog racing** (original similar to H. B. No. 2830) - Introduced 2/13/13 - To Government Organization then Judiciary
- *116. By Sen. Jenkins and McCabe - **Relating to crimes against property involving graffiti** (original similar to H. B. No. 2156) - Introduced 2/13/13 - To Judiciary - Com. sub. reported 2/15/13 - Passed Senate 2/20/13 - To House 2/21/13 - To Judiciary then Finance - Motion to dispense second reference - To House Finance 4/8/13
- *117. By Sen. Jenkins - **Creating criminal offense of possession of burglar's tools** - Introduced 2/13/13 - To Judiciary - Com. sub. reported 3/29/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary
118. By Sen. Jenkins, Fitzsimmons, McCabe and Williams - **Creating I Support Veterans license plate and license plate for fallen law-enforcement officers next-of-kin** - Introduced 2/13/13 - To Transportation and Infrastructure then Finance - To Finance 3/14/13 - Amended on 3rd reading - Passed Senate with amended title 4/3/13 - To House 4/4/13 - To Roads and Transportation then Finance
119. By Sen. Miller - **Relating to surface owner's right to purchase mineral estate** - Introduced 2/13/13 - To Energy, Industry and Mining then Judiciary
120. By Sen. Miller and Laird - **Relating to issuance of barrister's teaching certificate** (original similar to H. B. No. 2342) - Introduced 2/13/13 - To Education

121. By Sen. Miller - **Creating Fund for Civil Legal Services for Low-Income Persons** (original similar to H. B. No. 2155) - Introduced 2/13/13 - To Judiciary then Finance
122. By Sen. Miller and McCabe - **Creating Creative Communities Development Act** - Introduced 2/13/13 - To Economic Development then Finance - To Finance 2/28/13
123. By Sen. Miller and Beach - **Authorizing operation of low-speed vehicles in municipalities** (original similar to H. B. No. 2381) - Introduced 2/13/13 - To Transportation and Infrastructure then Judiciary - To Judiciary 2/27/13
124. By Sen. Miller, Laird, Fitzsimmons and Walters - **Increasing compensation of attorneys appointed in child abuse and neglect proceedings** - Introduced 2/13/13 - To Judiciary then Finance
125. By Sen. Beach, Prezioso, Kessler (Mr. President), Unger, Sybolt, Snyder, Yost, Stollings, Williams, Edgell, Miller, Kirkendoll, Plymale and McCabe - **Permitting Monongalia County Commission to levy special district excise tax** (original similar to S. B. No. 81) - Introduced 2/13/13 - To Government Organization then Finance - To Finance 2/21/13 - Passed Senate 3/11/13 - Effective from passage - To House 3/12/13 - To Judiciary then Finance - To House Finance - Amended - Died On 3rd reading, House Calendar
126. By Sen. Unger, Kessler (Mr. President), Miller, Williams, Boley and Beach - **Increasing number of state troopers and beginning pay** (original similar to H. B. No. 2075, H. B. No. 2147, H. B. No. 2232, H. B. No. 2898 and S. B. No. 345) - Introduced 2/13/13 - To Government Organization then Finance
127. By Sen. Unger, Williams and Beach - **Requiring PSC annually report on broadband markets** - Introduced 2/13/13 - To Transportation and Infrastructure then Government Organization - To Government Organization 3/7/13
128. By Sen. Unger and Beach - **Adding additional circuit court judge** (original similar to H. B. No. 2310) - Introduced 2/13/13 - To Judiciary then Finance
- *129. By Sen. Palumbo, McCabe, Beach and Green - **Making failure to wear safety belts primary offense** (original similar to H. B. No. 2108) - Introduced 2/13/13 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 2/20/13 - To Judiciary 2/20/13
130. By Sen. Unger and Fitzsimmons - **Extending voter registration period prior to election** - Introduced 2/13/13 - To Judiciary

131. By Sen. Unger and Williams - **Allowing National Guard firefighters continue as civilian Air National Guard firefighters** - Introduced 2/13/13 - To Military then Finance
- *132. By Sen. Unger, Barnes, Kessler (Mr. President) and Williams - **Compensating State Police for call-back time** (original same as H. B. No. 2133 - similar to H. B. No. 2226 and H. B. No. 2899) - Introduced 2/13/13 - To Government Organization then Finance - Com. sub. reported 3/21/13 - To Finance 3/21/13
133. By Sen. Yost, Unger and Fitzsimmons - **Exempting military, National Guard and reserve income from state income tax** (original similar to S. B. No. 33) - Introduced 2/13/13 - To Military then Finance
134. By Sen. Yost, Unger, Fitzsimmons and Miller - **Providing campground fee discount to National Guard members** - Introduced 2/13/13 - To Natural Resources then Finance
135. By Sen. Yost - **Creating Equal Pay Coordinator within Division of Personnel** - Introduced 2/13/13 - To Government Organization then Finance
136. By Sen. Yost - **Removing statutory reference to salary of Women's Commission Executive Director** (original same as H. B. No. 2394) - Introduced 2/13/13 - To Government Organization then Finance
137. By Sen. Yost and Fitzsimmons - **Requiring state-purchased uniforms be manufactured in United States** - Introduced 2/13/13 - To Labor then Finance
138. By Sen. Yost - **Transferring sole ownership of real property to co-owner paying taxes** - Introduced 2/13/13 - To Judiciary
- *139. By Sen. Yost - **Regulating certain purchases of precious metals and gems** - Introduced 2/13/13 - To Judiciary - Com. sub. reported 3/5/13 - Constitutional rule suspended - Passed Senate 3/7/13 - To House 3/8/13 - To Judiciary
140. By Sen. Yost and Fitzsimmons - **Allowing National Guard members obtain free hunting and fishing license** (original same as H. B. No. 2094) - Introduced 2/13/13 - To Natural Resources then Finance
141. By Sen. Unger and Kessler (Mr. President) - **Dedicating proceeds from county excise tax on transfer of real property to regional jails and substance abuse programs** (original similar to H. B. No. 2308 and S. B. No. 362) - Introduced 2/13/13 - To Government Organization then Finance

142. By Sen. Walters, Blair and Carmichael - **Relating to road and highway improvements by private investors** - Introduced 2/13/13 - To Transportation and Infrastructure then Finance
- *143. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Budget Bill** (original same as H. B. No. 2014) - Introduced 2/13/13 - Com. sub. reported 4/10/13 - Recommitted to Finance on 3rd reading 4/13/13
144. By Sen. Nohe and Jenkins - **Creating Haas' Law to honor fallen law-enforcement canines** - Introduced 2/14/13 - To Judiciary then Finance
- *145. By Sen. Unger - **Amending election complaint procedures** (original same as H. B. No. 2091) - Introduced 2/14/13 - To Judiciary - Com. sub. reported 2/20/13 - Passed Senate 2/25/13 - To House 2/26/13 - To Judiciary - Amended - Passed House 4/8/13 - Senate concurred in House amendment and passed bill 4/9/13 - To Governor 4/15/13 - Approved by Governor 4/19/13 - Chapter 69, Acts, Regular Session, 2013
- *146. By Sen. Unger and Beach - **Collecting unpaid magistrate court charges through income tax refund withholding** - Introduced 2/14/13 - To Judiciary then Finance - Com. sub. reported 3/7/13 - To Finance 3/7/13 - Passed Senate 3/29/13 - To House 4/1/13 - To Judiciary then Finance - To House Finance - To House Finance 4/8/13 - Amended - Passed House 4/13/13 - Title amended - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 4/26/13 - Approved by Governor 5/1/13 - Chapter 125, Acts, Regular Session, 2013
147. By Sen. Yost and Fitzsimmons - **Exempting certain military members' motor vehicles from personal property taxation** - Introduced 2/14/13 - To Transportation and Infrastructure then Finance
148. By Sen. Yost - **Creating Medication Therapy Management Act** - Introduced 2/14/13 - To Health and Human Resources then Finance
149. By Sen. Yost and Fitzsimmons - **Relating to temporary reassignment of injured or ill school service personnel** - Introduced 2/14/13 - To Education then Finance
150. By Sen. Yost - **Relating to residential construction projects** (original similar to S. B. No. 588) - Introduced 2/14/13 - To Labor then Judiciary
151. By Sen. Kessler (Mr. President), Cookman, Miller, Fitzsimmons, Yost and Beach - **Requiring corporations disclose expenditures for political activities** - Introduced 2/14/13 - To Judiciary

152. By Sen. Unger, Laird and Stollings - **Requiring alcohol awareness education courses for certain employees of retailers and licensed private clubs** - Introduced 2/14/13 - To Judiciary
153. By Sen. Yost and Fitzsimmons - **Relating to compilation and availability of birth parents' social and medical histories prior to adoption** - Introduced 2/14/13 - To Judiciary
154. By Sen. Yost - **Relating to charitable organizations' audit requirements** - Introduced 2/14/13 - To Government Organization then Judiciary
155. By Sen. Barnes - **Requiring State Board of Education fund special education programs for exceptional children** - Introduced 2/14/13 - To Education then Finance
156. By Sen. Barnes - **Prohibiting hitch tongues on certain vehicles** - Introduced 2/14/13 - To Transportation and Infrastructure
157. By Sen. Beach - **Exempting certain nonresidents from Class D license requirement** (original same as H. B. No. 2493) - Introduced 2/14/13 - To Transportation and Infrastructure then Judiciary - To Judiciary 3/7/13 - Passed Senate 3/29/13 - To House 4/1/13 - To Roads and Transportation then Judiciary - To House Judiciary 4/10/13
- *158. By Sen. Beach and Stollings - **Creating Complete Streets Act** (original same as H. B. No. 2494) - Introduced 2/14/13 - To Transportation and Infrastructure then Government Organization - Com. sub. reported 3/14/13 - To Government Organization 3/14/13 - Com. sub. for com. sub. reported 3/21/13 - Passed Senate 3/26/13 - To House 3/27/13 - To Government Organization - Passed House 4/10/13 - To Governor 4/15/13 - Approved by Governor 4/19/13 - Chapter 33, Acts, Regular Session, 2013
- *159. By Sen. Tucker, Chafin, Nohe, Palumbo, Sypolt and Wells - **Creating Uniform Real Property Transfer on Death Act** (original same as H. B. No. 2488) - Introduced 2/14/13 - To Judiciary - Com. sub. reported 3/12/13 - Passed Senate 3/15/13 - To House 3/18/13 - To Finance
160. By Sen. Barnes - **Creating Conditional Early Release Bond Act** - Introduced 2/14/13 - To Judiciary then Finance
161. By Sen. Yost, Fitzsimmons and Jenkins - **Issuing certain hunting and fishing licenses to National Guard and Reserve members and veterans** - Introduced 2/14/13 - To Natural Resources

162. By Sen. Carmichael - **Reclassifying hydrocodone as Schedule II controlled substance** - Introduced 2/14/13 - To Health and Human Resources then Judiciary
163. By Sen. Carmichael and Unger - **Relating to Municipal Home Rule Pilot Program** (original similar to hb 2404 and S. B. No. 400) - Introduced 2/14/13 - To Government Organization
164. By Sen. Yost - **Creating State Labor Relations Act** - Introduced 2/15/13 - To Labor then Government Organization
165. By Sen. Kessler (Mr. President) and Unger - **Requiring presentence reports consider financial costs** - Introduced 2/15/13 - To Judiciary
166. By Sen. Kessler (Mr. President), Unger, Stollings, Jenkins, Miller and Laird - **Establishing tax credit for certain physicians providing services in free health clinics** - Introduced 2/15/13 - To Health and Human Resources then Finance
- *167. By Sen. Kessler (Mr. President), Unger, Snyder, Stollings, Fitzsimmons, Miller, Laird, McCabe, Wells and D. Hall - **Creating West Virginia Future Fund** - Introduced 2/15/13 - To Economic Development then Finance - Com. sub. reported 3/27/13 - On 2nd reading to Finance 3/27/13
168. By Sen. Kessler (Mr. President) and Fitzsimmons - **Providing workers' compensation benefits for mental illness under certain circumstances** - Introduced 2/15/13 - To Judiciary
169. By Sen. Kessler (Mr. President) and Jenkins - **Preventing disability pension reduction for certain PERS members** (original similar to H. B. No. 2013) - Introduced 2/15/13 - To Pensions then Finance
170. By Sen. Yost and Fitzsimmons - **Creating Keep Jobs in West Virginia Act** - Introduced 2/15/13 - To Government Organization then Finance
171. By Sen. Yost, Fitzsimmons and D. Hall - **Increasing compensation of county board of education members for certain meeting attendance** (original similar to H. B. No. 2919) - Introduced 2/15/13 - To Education then Finance
- *172. By Sen. Kessler (Mr. President) - **Relating to nonintoxicating beer distributor licensees** (original similar to H. B. No. 2448) - Introduced 2/15/13 - To Judiciary - Com. sub. reported 2/26/13 - Passed Senate 3/4/13 - To House 3/5/13 - To Judiciary then Finance - To House Finance - Amended - Amended on 3rd reading - Passed House 4/13/13 - Title amended - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 140, Acts, Regular Session, 2013

173. By Sen. Wells, Yost, Jenkins, Fitzsimmons and D. Hall - **Establishing policy for higher education students called to active military duty** (original same as H. B. No. 2491) - Introduced 2/15/13 - To Military then Education - On 2nd reading to Education 3/27/13
174. By Sen. Wells, Yost, Jenkins, Snyder, Fitzsimmons, Williams and D. Hall - **Providing for appointment of advocates for veterans at higher education institutions** (original same as H. B. No. 2490) - Introduced 2/15/13 - To Military then Education - On 2nd reading to Education 3/27/13
175. By Sen. Carmichael and Wells - **Extending time period employer has to pay final wages to terminated employee** (original similar to H. B. No. 2605 and S. B. No. 355) - Introduced 2/15/13 - To Labor then Judiciary
176. By Sen. Carmichael - **Relating to tort liability actions** - Introduced 2/15/13 - To Judiciary
177. By Sen. Walters, Blair, Boley, Carmichael, Cole, Sypolt, Wells and Nohe - **Assessing excessive tardiness penalties for certain public school students** - Introduced 2/15/13 - To Education then Finance - To Finance 2/22/13
178. By Sen. Tucker, Williams, Cookman, Jenkins, Fitzsimmons, Miller, Laird, Nohe and D. Hall - **Creating license plate for fallen law-enforcement officers' next-of-kin** (original similar to H. B. No. 2122 and S. B. No. 501) - Introduced 2/15/13 - To Transportation and Infrastructure then Finance
179. By Sen. Yost - **Relating to meeting and conference rights of police or fire departments' members** (original similar to H. B. No. 2001 and H. B. No. 2380) - Introduced 2/15/13 - To Labor then Judiciary
180. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Reforming Medicaid subrogation statute** (original same as H. B. No. 2512) - Introduced 2/15/13 - To Health and Human Resources then Judiciary
181. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Clarifying drugged driving offense** (original same as H. B. No. 2513) - Introduced 2/15/13 - To Transportation and Infrastructure then Judiciary
182. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Lowering available tax credit amount for film industry** (original same as H. B. No. 2514) - Introduced 2/15/13 - To Economic Development then Finance - To Finance 3/14/13

183. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Updating terms in Corporation Net Income Tax Act** (original same as H. B. No. 2515) - Introduced 2/15/13 - To Finance - Passed Senate 3/19/13 - Effective from passage - To House 3/19/13 - To Finance - Passed House 4/9/13 - Effective from passage - To Governor 4/15/13 - Approved by Governor 4/19/13 - Chapter 195, Acts, Regular Session, 2013
184. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Updating terms in Personal Income Tax Act** (original same as H. B. No. 2516) - Introduced 2/15/13 - To Finance
- *185. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to alternative-fuel motor vehicles and qualified refueling infrastructure tax credits** (original same as H. B. No. 2506) - Introduced 2/15/13 - To Transportation and Infrastructure then Finance - Com. sub. reported 3/22/13 - To Finance 3/22/13 - Com. sub. for com. sub. reported 3/27/13 - Passed Senate 4/1/13 - Effective from passage - To House 4/2/13 - To Finance - Passed House 4/13/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 184, Acts, Regular Session, 2013
186. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating generally to deposits in Special Railroad and Intermodal Enhancement Fund and Revenue Shortfall Reserve Fund** (original same as H. B. No. 2519) - Introduced 2/15/13 - To Finance
- *187. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Creating Jobs Impact Statement Act** (original same as H. B. No. 2507 - similar to H. B. No. 2844 and S. B. No. 39) - Introduced 2/15/13 - To Economic Development then Finance - Com. sub. reported 3/14/13 - To Finance 3/14/13 - Com. sub. for com. sub. reported 3/21/13 - Passed Senate 3/26/13 - To House 3/27/13 - To Judiciary
- *188. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Creating vendor transportation program to transport Medicaid service recipients** (original same as H. B. No. 2510) - Introduced 2/15/13 - To Health and Human Resources then Finance - Com. sub. reported 3/15/13 - To Finance 3/15/13
189. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Increasing capital investment threshold for certain economic opportunity development districts** (original same as H. B. No. 2508) - Introduced 2/15/13 - To Economic Development then Finance - To Finance 2/28/13
190. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to public-private transportation projects funding** (original same as H.

- B. No. 2511) - Introduced 2/15/13 - To Transportation and Infrastructure then Finance - To Finance 3/14/13 - Amended - Passed Senate with amended title 3/25/13 - Effective July 1, 2013 - To House 3/26/13 - To Roads and Transportation then Finance - To House Finance - Passed House 4/13/13 - Effective July 1, 2013 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 169, Acts, Regular Session, 2013
- *191. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to increasing maximum aggregate funding to Revenue Shortfall Reserve Fund** (original same as H. B. No. 2509) - Introduced 2/15/13 - To Finance - Com. sub. reported 3/27/13 - Passed Senate 4/1/13 - Effective July 1, 2013 - To House 4/2/13 - To Finance
192. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Increasing civil penalties imposed by PSC for pipeline safety violations** (original same as H. B. No. 2505) - Introduced 2/15/13 - To Judiciary
193. By Sen. Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley, M. Hall and Nohe - **Repealing code relating to sterilization of mentally incompetent persons** (original same as H. B. No. 2463) - Introduced 2/18/13 - To Health and Human Resources then Judiciary
194. By Sen. Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley and M. Hall - **Relating to DHHR contract procedures** (original same as H. B. No. 2455) - Introduced 2/18/13 - To Government Organization - Passed Senate with amended title 3/5/13 - Effective from passage - To House 3/6/13 - To Finance - Amended - Passed House 4/12/13 - Title amended - Effective from passage - Senate concurred in House amendment and passed bill 4/13/13 - Effective from passage - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 100, Acts, Regular Session, 2013
- *195. By Sen. Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley, M. Hall and Beach - **Modifying tax rate expiration date on eligible acute care hospitals** (original same as H. B. No. 2462) - Introduced 2/18/13 - To Health and Human Resources then Finance - Com. sub. reported 3/15/13 - To Finance 3/15/13 - Passed Senate 4/2/13 - Effective July 1, 2013 - To House 4/3/13 - To Finance - Passed House 4/12/13 - Effective from passage - House reconsidered effective date - Effective July 1, 2013 - To Governor 4/23/13 - Approved by Governor 4/30/13 - Chapter 197, Acts, Regular Session, 2013
196. By Sen. Beach - **Relating to Coopers Rock State Forest** - Introduced 2/18/13 - To Natural Resources then Government Organization

197. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts** (original same as H. B. No. 2540) - Introduced 2/18/13 - To Finance - Passed Senate 3/4/13 - Effective from passage - To House 3/5/13 - To Finance - Passed House 3/15/13 - Effective from passage - To Governor 3/22/13 - Approved by Governor 3/22/13 - Chapter 7, Acts, Regular Session, 2013
198. By Sen. Yost, Fitzsimmons and Beach - **Exempting magistrates and municipal court judges from concealed weapon license requirement** (original same as H. B. No. 2252) - Introduced 2/18/13 - To Judiciary
199. By Sen. Kessler (Mr. President) - **Relating to interstate compact for election of president by national popular vote** - Introduced 2/18/13 - To Interstate Cooperation then Judiciary
- *200. By Sen. Laird - **Relating to Eyewitness Identification Act** (original same as H. B. No. 2758) - Introduced 2/18/13 - To Judiciary - Com. sub. reported 3/8/13 - Passed Senate 3/13/13 - To House 3/14/13 - To Judiciary - Amended - Passed House 4/12/13 - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 79, Acts, Regular Session, 2013
- *201. By Sen. Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley and M. Hall - **Permitting expedited partner therapy** (original same as H. B. No. 2523 and S. B. No. 40) - Introduced 2/18/13 - To Health and Human Resources then Judiciary - Com. sub. reported 3/8/13 - To Judiciary 3/8/13 - Com. sub. for com. sub. reported 3/19/13 - Passed Senate 3/22/13 - To House 3/25/13 - To Health and Human Resources then Judiciary - To House Judiciary 4/3/13
- *202. By Sen. Kessler (Mr. President), Fitzsimmons, Beach, Miller, Laird, Nohe and Stollings - **Creating WV Spay Neuter Assistance Program and Fund** - Introduced 2/18/13 - To Agriculture and Rural Development then Finance - Com. sub. reported 2/26/13 - To Finance 2/26/13 - Com. sub. for com. sub. reported 3/28/13 - Passed Senate 4/2/13 - To House 4/3/13 - To Finance - Amended - Passed House 4/12/13 - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 4/26/13 - Approved by Governor 5/1/13 - Chapter 178, Acts, Regular Session, 2013
203. By Sen. Williams, Beach, Sypolt, Plymale and Nohe - **Allowing posting of visible paint markings prohibiting hunting or trespassing** - Introduced 2/18/13 - To Natural Resources then Judiciary - To Judiciary 3/27/13

204. By Sen. Snyder and Miller - **Allowing licensure of certain veterinarians by endorsement** - Introduced 2/18/13 - To Government Organization then Judiciary
205. By Sen. Palumbo, Fitzsimmons, Beach, Chafin, Wells and Plymale - **Prohibiting juveniles from manufacturing, possessing and distributing nude or partially nude images of minors** (original same as H. B. No. 2520) - Introduced 2/18/13 - To Judiciary
206. By Sen. Stollings, Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, M. Hall and Nohe - **Repealing code allowing sale of healthy beverages and soft drinks in schools** (original same as H. B. No. 2461) - Introduced 2/18/13 - To Health and Human Resources then Education
207. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts** (original same as H. B. No. 2538) - Introduced 2/19/13 - To Finance
208. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Making supplementary appropriation from State Fund, General Revenue, to Department of Commerce, Division of Labor, and DHHR, Division of Human Services** (original same as H. B. No. 2539) - Introduced 2/19/13 - To Finance - Passed Senate 3/19/13 - Effective from passage - To House 3/19/13 - To Finance - Passed House 4/11/13 - Effective from passage - To Governor 4/19/13 - Approved by Governor 4/22/13 - Chapter 8, Acts, Regular Session, 2013
209. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Making supplementary appropriation from State Fund, State Excess Lottery Revenue Fund, to DHHR, Division of Human Services** (original same as H. B. No. 2541) - Introduced 2/19/13 - To Finance
210. By Sen. Kessler (Mr. President), Cookman, Unger, Fitzsimmons, Green and Williams - **Providing certain magistrate court employees be compensated equally** (original similar to H. B. No. 2413 and H. B. No. 2434) - Introduced 2/19/13 - To Judiciary then Finance
211. By Sen. McCabe and Beach - **Requiring criminal history record check for certain Real Estate Commission license applicants** (original same as H. B. No. 2497 - similar to H. B. No. 2213) - Introduced 2/19/13 - To Government Organization then Judiciary
212. By Sen. Palumbo and Stollings - **Requiring quorum when canvassing election returns** - Introduced 2/19/13 - To Judiciary

213. By Sen. Palumbo and McCabe - **Authorizing county commissions to temporarily fill certain office vacancies** (original same as H. B. No. 2397) - Introduced 2/19/13 - To Government Organization then Judiciary
214. By Sen. Stollings and Snyder - **Eliminating interview requirement for certain medical licensee applicants** - Introduced 2/19/13 - To Government Organization - Passed Senate 3/5/13 - Effective July 1, 2013 - To House 3/6/13 - To Government Organization - Passed House 4/11/13 - Title amended - Effective July 1, 2013 - Senate concurred in House title amendment 4/12/13 - Passed Senate 4/12/13 - Effective July 1, 2013 - To Governor 4/23/13 - Approved by Governor 4/29/13 - Chapter 149, Acts, Regular Session, 2013
215. By Sen. Carmichael and Blair - **Limiting punitive damages awarded in personal injury or wrongful death cases** - Introduced 2/19/13 - To Judiciary
216. By Sen. Carmichael and Blair - **Requiring prevailing hourly rates in public improvements construction** (original similar to H. B. No. 2753) - Introduced 2/19/13 - To Labor then Judiciary
217. By Sen. Williams and Beach - **Reducing wholesale tax on certain fuels** (original similar to H. B. No. 2231) - Introduced 2/19/13 - To Finance
218. By Sen. Williams, Miller and Beach - **Including checkoff option on tax return for Jackson's Mill 4-H Camp** - Introduced 2/19/13 - To Agriculture and Rural Development then Finance - To Finance 3/19/13
219. By Sen. Snyder - **Authorizing Department of Administration promulgate legislative rule relating to selecting design-builders under Design-Build Procurement Act** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/27/13
220. By Sen. Snyder - **Authorizing Department of Administration promulgate legislative rule relating to state-owned vehicles** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/27/13
221. By Sen. Snyder - **Authorizing Office of Administrative Hearings promulgate legislative rule relating to appeal procedures** - Introduced 2/20/13 - To Transportation and Infrastructure then Judiciary - To Judiciary 3/13/13
222. By Sen. Snyder - **Authorizing Commissioner of Agriculture promulgate legislative rule relating to animal disease control** - Introduced 2/20/13 - To Agriculture and Rural Development then Judiciary - To Judiciary 2/26/13

223. By Sen. Snyder - **Authorizing Board of Architects promulgate legislative rule relating to registration of architects** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/27/13
224. By Sen. Snyder - **Authorizing Athletic Commission promulgate legislative rule relating to mixed martial arts** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/27/13
225. By Sen. Snyder - **Authorizing Board of Barbers and Cosmetologists promulgate legislative rule relating to procedures, criteria and curricula for examination and licensure of barbers, cosmetologists, nail technicians, aestheticians and hair stylists** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/28/13
226. By Sen. Snyder - **Authorizing Board of Barbers and Cosmetologists promulgate legislative rule relating to barber apprenticeships** - Introduced 2/20/13 - To Government Organization then Finance then Judiciary - To Finance 2/28/13 - To Judiciary 3/13/13
227. By Sen. Snyder - **Authorizing Board of Barbers and Cosmetologists promulgate legislative rule relating to operational standards for schools of barbering and beauty culture** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/28/13
228. By Sen. Snyder - **Authorizing Broadband Deployment Council promulgate legislative rule relating to broadband deployment grants programs** - Introduced 2/20/13 - To Transportation and Infrastructure then Judiciary - To Judiciary 3/20/13
229. By Sen. Snyder - **Authorizing Conservation Committee promulgate legislative rule relating to operation of State Conservation Committee and conservation districts** - Introduced 2/20/13 - To Agriculture and Rural Development then Natural Resources then Judiciary - To Natural Resources 3/5/13 - To Judiciary 3/13/13
230. By Sen. Snyder - **Authorizing CPRB promulgate legislative rule relating to general provisions** - Introduced 2/20/13 - To Pensions then Judiciary - To Judiciary 2/25/13
231. By Sen. Snyder - **Authorizing CPRB promulgate legislative rule relating to benefit determination and appeal** - Introduced 2/20/13 - To Pensions then Judiciary - To Judiciary 3/4/13

232. By Sen. Snyder - **Authorizing CPRB promulgate legislative rule relating to Teachers Retirement System** - Introduced 2/20/13 - To Pensions then Judiciary - To Judiciary 2/25/13
233. By Sen. Snyder - **Authorizing CPRB promulgate legislative rule relating to Public Employees Retirement System** - Introduced 2/20/13 - To Pensions then Judiciary - To Judiciary 2/25/13
234. By Sen. Snyder - **Authorizing CPRB promulgate legislative rule relating to State Police** - Introduced 2/20/13 - To Pensions then Judiciary - To Judiciary 2/25/13
235. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to board** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/27/13
236. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to practitioner requirements for accessing Controlled Substances Monitoring Program database** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/6/13
237. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to continuing education requirements** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/27/13
238. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to expanded duties of dental hygienists and dental assistants** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 2/27/13
239. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to permits for construction and major modification of major stationary sources for prevention of significant deterioration of air quality** - Introduced 2/20/13 - To Energy, Industry and Mining then Judiciary - To Judiciary 2/27/13
240. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to standards of performance for new stationary sources** - Introduced 2/20/13 - To Energy, Industry and Mining then Judiciary - To Judiciary 2/27/13
241. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to control of air pollution from combustion of solid waste** - Introduced 2/20/13 - To Energy, Industry and Mining then Judiciary - To Judiciary 2/27/13

242. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities** - Introduced 2/20/13 - To Energy, Industry and Mining then Judiciary - To Judiciary 2/27/13
- *243. By Sen. Snyder - **Authorizing DEP promulgate legislative rules** - Introduced 2/20/13 - To Energy, Industry and Mining then Judiciary - To Judiciary 2/27/13 - Com. sub. reported 3/22/13 - Passed Senate 3/27/13 - Effective from passage - To House 3/28/13 - To Judiciary - Amended - Passed House 4/12/13 - Effective from passage - Senate refused to concur in House amendment 4/12/13 - Senate requests return of bill from House - Senate concurred in House amendment and passed bill 4/12/13 - Effective from passage - To Governor 4/23/13 - Approved by Governor 4/30/13 - Chapter 115, Acts, Regular Session, 2013
244. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to emission standards for hazardous air pollutants** - Introduced 2/20/13 - To Energy, Industry and Mining then Judiciary - To Judiciary 2/27/13
245. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to horizontal well development** - Introduced 2/20/13 - To Energy, Industry and Mining then Judiciary - To Judiciary 3/13/13
246. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to covered electronic devices recycling** - Introduced 2/20/13 - To Judiciary
247. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to hazardous waste administrative proceedings and civil penalty assessment** - Introduced 2/20/13 - To Judiciary
248. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to water pollution control permit fee schedules** - Introduced 2/20/13 - To Finance then Judiciary - To Judiciary 3/7/13
249. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to WV/NPDES regulations for coal mining facilities** - Introduced 2/20/13 - To Energy, Industry and Mining then Judiciary - To Judiciary 3/6/13
- *250. By Sen. Snyder - **Authorizing Department of Commerce promulgate legislative rules** - Introduced 2/20/13 - To Finance then Judiciary - To Judiciary 3/6/13 - Com. sub. reported 3/27/13 - Passed Senate 4/1/13 - Effective from passage - To House 4/2/13 - To Judiciary - Amended - Passed House 4/12/13 - Title amended - Effective from passage - Senate concurred in House amendment and passed bill 4/13/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 121, Acts, Regular Session, 2013

251. By Sen. Snyder - **Authorizing State Fire Commission promulgate legislative rule relating to State Building Code** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/28/13
252. By Sen. Snyder - **Authorizing State Fire Commission promulgate legislative rule relating to volunteer firefighters' training, equipment and operating standards** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/28/13
253. By Sen. Snyder - **Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to law-enforcement training and certification standards** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/27/13
254. By Sen. Snyder - **Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to protocol for law-enforcement response to stalking** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/27/13
255. By Sen. Snyder - **Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to protocol for law-enforcement response to child abuse and neglect** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/27/13
256. By Sen. Snyder - **Authorizing Hatfield-McCoy Regional Recreation Authority promulgate legislative rule relating to rules for use of facility** - Introduced 2/20/13 - To Natural Resources then Judiciary - To Judiciary 2/27/13
257. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to regulation of opioid treatment programs** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/1/13
258. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to chronic pain management clinic licensure** - Introduced 2/20/13 - To Health and Human Resources then Finance then Judiciary - To Finance 3/13/13 - To Judiciary 3/14/13
259. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to child care centers' licensing** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/1/13
260. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to minimum licensing requirements for residential child care and treatment**

- facilities for children and transitioning adults** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/1/13
261. By Sen. Snyder - **Authorizing Commissioner of Agriculture promulgate legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas** - Introduced 2/20/13 - To Agriculture and Rural Development then Finance then Judiciary - To Finance 2/26/13 - To Judiciary 3/7/13
262. By Sen. Snyder - **Authorizing Health Care Authority promulgate legislative rule relating to WV Health Information Network** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 2/27/13
263. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to pulse oximetry newborn testing** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/1/13
264. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to general sanitation** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/1/13
- *265. By Sen. Snyder - **Authorizing DHHR promulgate legislative rules** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/1/13 - Com. sub. reported 3/22/13 - Passed Senate 3/27/13 - Effective from passage - To House 3/28/13 - To Judiciary - Amended - Passed House 4/12/13 - Title amended - Effective from passage - Senate refused to concur in House amendment 4/12/13 - House refused to recede and requested conference 4/13/13 - To conference 4/13/13 - Senate adopted conference report and passed bill 4/13/13 - Effective from passage - House adopted conference report and passed bill 4/13/13 - Effective ninety days from passage - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 116, Acts, Regular Session, 2013
266. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to fees for services** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - Referred to Finance then Judiciary 2/27/13 - To Judiciary 3/13/13
267. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to reportable diseases, events and conditions** - Introduced 2/20/13 - To Health and Human Resources then Finance then Judiciary - To Finance 3/6/13 - To Judiciary 3/13/13
268. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to regulation of opioid treatment programs** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/1/13

269. By Sen. Snyder - **Authorizing Commissioner of Highways promulgate legislative rule relating to transportation of hazardous wastes upon roads and highways** - Introduced 2/20/13 - To Transportation and Infrastructure then Judiciary - To Judiciary 3/13/13
- *270. By Sen. Snyder - **Authorizing Department of Revenue promulgate legislative rules** - Introduced 2/20/13 - To Banking and Insurance then Finance then Judiciary - To Finance 2/26/13 - To Judiciary 3/5/13 - Com. sub. reported 3/27/13 - Passed Senate 4/1/13 - Effective from passage - To House 4/2/13 - To Judiciary - Amended - Passed House 4/12/13 - Effective from passage - Senate concurred in House amendment and passed bill 4/13/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 118, Acts, Regular Session, 2013
271. By Sen. Snyder - **Authorizing Division of Labor promulgate legislative rule relating to bedding and upholstered furniture** - Introduced 2/20/13 - To Labor then Judiciary - To Judiciary 2/28/13
272. By Sen. Snyder - **Authorizing Division of Labor promulgate legislative rule relating to Amusement Rides and Attractions Safety Act** - Introduced 2/20/13 - To Labor then Judiciary - To Judiciary 2/28/13
273. By Sen. Snyder - **Authorizing Division of Labor promulgate legislative rule relating to supervision of elevator mechanics and apprentices** - Introduced 2/20/13 - To Labor then Judiciary - To Judiciary 2/28/13
274. By Sen. Snyder - **Authorizing Division of Labor promulgate legislative rule relating to Crane Operator Certification Act** - Introduced 2/20/13 - To Labor then Judiciary - To Judiciary 2/28/13
275. By Sen. Snyder - **Authorizing Division of Labor promulgate legislative rule relating to Crane Operator Certification Act--practical examination** - Introduced 2/20/13 - To Labor then Judiciary - To Judiciary 2/28/13
276. By Sen. Snyder - **Authorizing Lottery Commission promulgate legislative rule relating to state lottery rules** - Introduced 2/20/13 - To Finance then Judiciary - To Judiciary 3/5/13
277. By Sen. Snyder - **Authorizing Board of Medicine promulgate legislative rule relating to practitioner requirements for accessing Controlled Substances Monitoring Program database** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/6/13
278. By Sen. Snyder - **Authorizing Board of Medicine promulgate legislative rule relating to licensure, disciplinary and complaint procedures; continuing**

- education; and physician assistants** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/6/13
279. By Sen. Snyder - **Authorizing Board of Medicine promulgate legislative rule relating to continuing education for physicians and podiatrists** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/6/13
280. By Sen. Snyder - **Authorizing Board of Miner Training, Education and Certification promulgate legislative rule relating to standards for certification of coal mine electricians** - Introduced 2/20/13 - To Energy, Industry and Mining then Judiciary - To Judiciary 3/6/13
- *281. By Sen. Snyder - **Authorizing Department of Transportation promulgate legislative rules** - Introduced 2/20/13 - To Transportation and Infrastructure then Judiciary - To Judiciary 3/20/13 - Com. sub. reported 3/27/13 - Passed Senate 4/1/13 - Effective from passage - To House 4/2/13 - To Judiciary - Passed House 4/12/13 - Effective from passage - To Governor 4/23/13 - Approved by Governor 4/29/13 - Chapter 119, Acts, Regular Session, 2013
282. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to special boating** - Introduced 2/20/13 - To Natural Resources then Judiciary - To Judiciary 2/27/13
283. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to special motorboating** - Introduced 2/20/13 - To Natural Resources then Judiciary - To Judiciary 2/27/13
284. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to defining terms used in all hunting and trapping rules** - Introduced 2/20/13 - To Natural Resources then Judiciary - To Judiciary 2/27/13
285. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to prohibitions when hunting and trapping** - Introduced 2/20/13 - To Natural Resources then Judiciary - To Judiciary 2/27/13
286. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to deer hunting** - Introduced 2/20/13 - To Natural Resources then Judiciary - To Judiciary 2/27/13
287. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to general trapping** - Introduced 2/20/13 - To Natural Resources then Judiciary - To Judiciary 2/27/13

288. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to special waterfowl hunting** - Introduced 2/20/13 - To Natural Resources then Judiciary - To Judiciary 2/27/13
289. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to special fishing** - Introduced 2/20/13 - To Natural Resources then Judiciary - To Judiciary 2/27/13
290. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to falconry** - Introduced 2/20/13 - To Natural Resources then Judiciary - To Judiciary 2/27/13
291. By Sen. Snyder - **Authorizing Board of Optometry promulgate legislative rule relating to continuing education** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/27/13
292. By Sen. Snyder - **Authorizing Board of Optometry promulgate legislative rule relating to expanded therapeutic procedures certificates** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/6/13
293. By Sen. Snyder - **Authorizing Board of Optometry promulgate legislative rule relating to schedule of fees** - Introduced 2/20/13 - To Health and Human Resources then Finance then Judiciary - To Finance 2/27/13 - To Judiciary 3/13/13
294. By Sen. Snyder - **Authorizing Board of Osteopathic Medicine promulgate legislative rule relating to licensing procedures for osteopathic physicians** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/6/13
295. By Sen. Snyder - **Authorizing Board of Osteopathic Medicine promulgate legislative rule relating to practitioner requirements for controlled substances licensure; accessing Controlled Substances Monitoring Program database** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/6/13
296. By Sen. Snyder - **Authorizing Board of Pharmacy promulgate legislative rule relating to ephedrine and pseudoephedrine control** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 2/27/13
297. By Sen. Snyder - **Authorizing Board of Pharmacy promulgate legislative rule relating to controlled substances monitoring** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/6/13

298. By Sen. Snyder - **Authorizing Division of Protective Services promulgate legislative rule relating to contracted police or security services** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/27/13
299. By Sen. Snyder - **Authorizing Racing Commission promulgate legislative rule relating to thoroughbred racing** - Introduced 2/20/13 - To Finance then Judiciary - To Judiciary 3/5/13
300. By Sen. Snyder - **Authorizing Racing Commission promulgate legislative rule relating to greyhound racing** - Introduced 2/20/13 - To Judiciary
301. By Sen. Snyder - **Authorizing Racing Commission promulgate legislative rule relating to pari-mutuel wagering** - Introduced 2/20/13 - To Judiciary
302. By Sen. Snyder - **Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to requirements for licensure and certification** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/27/13
303. By Sen. Snyder - **Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to renewal of licensure--qualifications for renewal** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/27/13
304. By Sen. Snyder - **Authorizing Board of Examiners for Registered Professional Nurses promulgate legislative rule relating to fees for services rendered by board and supplemental renewal fee for Center for Nursing** - Introduced 2/20/13 - To Health and Human Resources then Finance then Judiciary - To Finance 2/27/13 - To Judiciary 3/13/13
305. By Sen. Snyder - **Authorizing Board of Examiners for Registered Professional Nurses promulgate legislative rule relating to practitioner requirements for accessing Controlled Substances Monitoring Program database** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/6/13
306. By Sen. Snyder - **Authorizing Board of Examiners for Registered Professional Nurses promulgate legislative rule relating to announcement of advanced practice** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/8/13
307. By Sen. Snyder - **Authorizing Board of Examiners for Registered Professional Nurses promulgate legislative rule relating to limited prescriptive authority for**

- nurses in advanced practice** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/8/13
308. By Sen. Snyder - **Authorizing Secretary of State promulgate legislative rule relating to Uniform Commercial Code** - Introduced 2/20/13 - To Judiciary
309. By Sen. Snyder - **Authorizing Secretary of State promulgate legislative rule relating to administration of Address Confidentiality Program** - Introduced 2/20/13 - To Judiciary
310. By Sen. Snyder - **Authorizing Secretary of State promulgate legislative rule relating to regulation of political party headquarters financing** - Introduced 2/20/13 - To Judiciary
311. By Sen. Snyder - **Authorizing Secretary of State promulgate legislative rule relating to regulation of late registration** - Introduced 2/20/13 - To Judiciary
312. By Sen. Snyder - **Authorizing Bureau of Senior Services promulgate legislative rule relating to in-home care worker registry** - Introduced 2/20/13 - To Health and Human Resources then Finance then Judiciary - To Finance 2/27/13 - To Judiciary 3/13/13
313. By Sen. Snyder - **Authorizing Board of Social Work promulgate legislative rule relating to fee schedule** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/28/13
314. By Sen. Snyder - **Authorizing Board of Social Work promulgate legislative rule relating to qualifications for profession of social work** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 3/7/13
315. By Sen. Snyder - **Authorizing Board of Social Work promulgate legislative rule relating to applications** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/28/13
316. By Sen. Snyder - **Authorizing Board of Social Work promulgate legislative rule relating to continuing education for social workers and providers** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/28/13
317. By Sen. Snyder - **Authorizing Board of Social Work promulgate legislative rule relating to code of ethics** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/28/13

318. By Sen. Snyder - **Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to licensure of speech pathology and audiology** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/28/13
319. By Sen. Snyder - **Authorizing State Tax Department promulgate legislative rule relating to valuation of commercial and industrial real and personal property for ad valorem property tax purposes** - Introduced 2/20/13 - To Finance then Judiciary - To Judiciary 3/5/13
320. By Sen. Snyder - **Authorizing Treasurer's Office promulgate legislative rule relating to enforcement of Uniform Unclaimed Property Act** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/27/13
321. By Sen. Snyder - **Authorizing Board of Veterinary Medicine promulgate legislative rule relating to organization and operation and licensing of veterinarians** - Introduced 2/20/13 - To Agriculture and Rural Development then Government Organization then Judiciary - To Government Organization 2/26/13 - To Judiciary 3/7/13
322. By Sen. Snyder - **Authorizing Board of Veterinary Medicine promulgate legislative rule relating to schedule of fees** - Introduced 2/20/13 - To Government Organization then Judiciary - To Judiciary 2/27/13
323. By Sen. Snyder - **Authorizing Board of Osteopathic Medicine promulgate legislative rule relating to osteopathic physician assistants** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To Judiciary 3/6/13
- *324. By Sen. Stollings and Beach - **Allowing boards licensing persons engaging in manufacture, distribution or dispensing controlled substances set fees by legislative rule** (original similar to H. B. No. 2573) - Introduced 2/20/13 - To Government Organization then Finance - Com. sub. reported 3/14/13 - To Finance 3/14/13 - Com. sub. for com. sub. reported 3/28/13 - Passed Senate 4/2/13 - To House 4/3/13 - To Government Organization then Judiciary - To House Judiciary 4/5/13
325. By Sen. Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley, M. Hall, Unger, Fitzsimmons, Beach, Carmichael and Nohe - **Creating loan forgiveness program for health professionals** (original same as H. B. No. 2492) - Introduced 2/20/13 - To Education then Finance
- *326. By Sen. Plymale, Prezioso, Laird, Miller, Unger, Wells, Boley, Beach and Tucker - **Establishing appropriation request process for higher education system**

- (original same as H. B. No. 2566) - Introduced 2/20/13 - To Education then Finance - Com. sub. reported 3/6/13 - To Finance 3/6/13 - Amended - Passed Senate 4/2/13 - Effective from passage - To House 4/3/13 - To Finance
327. By Sen. Beach, Kirkendoll and Williams - **Relating to school bus driver certification** - Introduced 2/20/13 - To Education then Government Organization
328. By Sen. Tucker and Barnes - **Relating to financial oversight of entities regulated by Insurance Commissioner** (original same as H. B. No. 2819) - Introduced 2/20/13 - To Banking and Insurance then Judiciary
329. By Sen. Laird, Miller, Unger, Snyder, Fitzsimmons, Beach, Barnes, Stollings and Nohe - **Increasing certain rights of grandparents** - Introduced 2/20/13 - To Judiciary
330. By Sen. Unger, Beach, Williams and Nohe - **Prohibiting firearm seizure during declared state of emergency** (original similar to H. B. No. 2471) - Introduced 2/20/13 - To Government Organization then Judiciary
331. By Sen. Kessler (Mr. President), Unger, Miller, Laird, D. Hall, Beach, Williams and Plymale - **Permitting Courthouse Facilities Improvement Authority to issue bonds** (original same as H. B. No. 2988) - Introduced 2/20/13 - To Government Organization then Finance - To Finance 3/14/13 - Amended - Passed Senate 3/29/13 - To House 4/1/13 - To Finance - Passed House 4/12/13 - To Governor 4/23/13 - Vetoed by Governor 5/3/13
332. By Sen. Yost - **Relating to certification requirements of workers painting state bridges** (original same as H. B. No. 2601 - similar to H. B. No. 3093) - Introduced 2/20/13 - To Labor then Government Organization
333. By Sen. Sypolt, D. Hall and Williams - **Relating to carrying concealed weapons on State Capitol Complex grounds** - Introduced 2/20/13 - To Government Organization then Judiciary
- *334. By Sen. Yost and Edgell - **Requiring certain public works employees complete construction safety program** (original similar to H. B. No. 2354) - Introduced 2/20/13 - To Labor then Judiciary - Com. sub. reported 3/20/13 - To Judiciary 3/20/13
- *335. By Sen. Yost, Edgell and Fitzsimmons - **Permitting certain hospitals exemption from certificate of need** (original same as H. B. No. 2536) - Introduced 2/20/13 - To Government Organization - Com. sub. reported 2/28/13 - Passed Senate 3/5/13 - Effective from passage - To House 3/6/13 - To Health and Human Resources then

- Government Organization - To House Government Organization - Amended - Passed House 4/13/13 - Effective from passage - Senate concurred in House amendment and passed bill 4/13/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 89, Acts, Regular Session, 2013
- *336. By Sen. Stollings, Wells, Plymale, Barnes, Beach, Unger, Palumbo, Kessler (Mr. President) and Jenkins - **Relating to interscholastic athletics concussions and head injuries** (original same as H. B. No. 2518) - Introduced 2/21/13 - To Education then Judiciary - Com. sub. reported 3/15/13 - To Judiciary 3/15/13 - Com. sub. for com. sub. reported 3/21/13 - Passed Senate 3/26/13 - To House 3/27/13 - To Judiciary - Amended - Passed House 4/13/13 - Title amended - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 4/26/13 - Approved by Governor 5/1/13 - Chapter 58, Acts, Regular Session, 2013
337. By Sen. Palumbo, Beach, Fitzsimmons, Kirkendoll, Tucker, Williams and Nohe - **Creating Sexual Assault Forensic Examination Commission** (original same as H. B. No. 2583) - Introduced 2/21/13 - To Government Organization then Judiciary
338. By Sen. Palumbo, Beach, Kirkendoll, Tucker, Williams, Nohe and McCabe - **Relating to liability of possessor of real property for harm to trespasser** (original same as H. B. No. 2582) - Introduced 2/21/13 - To Judiciary - Passed Senate 3/5/13 - Effective from passage - To House 3/6/13 - To Judiciary
339. By Sen. Beach - **Relating to depositing funds into Education Improvement Fund for PROMISE Scholarships** - Introduced 2/21/13 - To Education then Finance
340. By Sen. Stollings, Kessler (Mr. President), Jenkins, Unger, Laird, Prezioso, Palumbo, Plymale, Beach, M. Hall, Nohe, Fitzsimmons, Miller, Tucker and McCabe - **Allowing schools to maintain epinephrine auto-injectors for use during anaphylactic reaction emergencies** (original same as H. B. No. 2729) - Introduced 2/21/13 - To Health and Human Resources then Education - To Health and Human Resources
- *341. By Sen. Miller, Williams, Laird, Nohe and D. Hall - **Relating to livestock fencing and trespassing** - Introduced 2/21/13 - To Agriculture and Rural Development then Judiciary - Com. sub. reported 3/5/13 - To Judiciary 3/5/13 - Com. sub. for com. sub. reported 3/19/13 - Passed Senate 3/22/13 - To House 3/25/13 - To Agriculture then Judiciary
342. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Creating WV Land Stewardship Corporation Act** (original same as H. B. No.

- 2590 - similar to S. B. No. 50) - Introduced 2/21/13 - To Economic Development then Government Organization - To Government Organization 3/21/13
343. By Sen. Williams, Fitzsimmons, Yost, Beach and Tucker - **Dedicating portion of oil and gas severance tax to counties and municipalities of origin** (original similar to H. B. No. 2795) - Introduced 2/21/13 - To Government Organization then Finance
- *344. By Sen. Plymale - **Relating to regional meetings among certain county boards of education officials** (original similar to H. B. No. 2940) - Introduced 2/21/13 - To Education - Com. sub. reported 3/1/13 - Recommitted to Finance on 2nd reading 4/2/13
345. By Sen. Unger, Kessler (Mr. President), Miller, Williams, Boley, Beach, Snyder, Cann, D. Hall, Jenkins, Yost, Stollings, Plymale, Fitzsimmons, Tucker and Wells - **Increasing number of state troopers and beginning pay** (original similar to H. B. No. 2075, H. B. No. 2147, H. B. No. 2232, H. B. No. 2898 and S. B. No. 126) - Introduced 2/22/13 - To Government Organization then Finance
346. By Sen. Snyder, Miller, Green, Sypolt, D. Hall and Williams - **Creating Appraisal Management Companies Registration Act** (original same as H. B. No. 2608) - Introduced 2/22/13 - To Government Organization
- *347. By Sen. Snyder, Miller, Green, Sypolt, Unger and Fitzsimmons - **Requiring Public Employees Grievance Board and Division of Personnel provide training seminars to certain persons** (original same as H. B. No. 2607) - Introduced 2/22/13 - To Government Organization then Judiciary - To Judiciary 3/7/13 - Com. sub. reported 4/1/13 - Amended - Passed Senate 4/3/13 - To House 4/4/13 - To Government Organization then Judiciary - To House Judiciary 4/8/13
348. By Sen. Yost and Fitzsimmons - **Lowering threshold amount triggering low contract bidder to submit list of subcontractors** (original same as H. B. No. 2716) - Introduced 2/22/13 - To Labor then Government Organization
349. By Sen. Cookman, Snyder, Yost, Plymale, McCabe, Fitzsimmons and Wells - **Implementing Child and Adolescent Needs and Strengths System for evaluating out-of-home placement of children** (original same as H. B. No. 2773) - Introduced 2/22/13 - To Judiciary then Finance - On 2nd reading to Finance 3/27/13
350. By Sen. Unger, Fitzsimmons and Beach - **Prohibiting electioneering outside entrance to polling place during early voting** - Introduced 2/22/13 - To Judiciary

351. By Sen. Unger and Beach - **Allowing certain employees donate sick leave for leave donation program** - Introduced 2/22/13 - To Government Organization
352. By Sen. Unger - **Relating to mandatory disclosure by mental health professionals of potential patient harm to another person** - Introduced 2/22/13 - To Health and Human Resources then Judiciary
- *353. By Sen. Unger - **Establishing First Informer Broadcasters Act** - Introduced 2/22/13 - To Government Organization - Com. sub. reported 3/13/13 - Passed Senate 3/18/13 - Effective July 1, 2013 - To House 3/18/13 - To Veterans' Affairs and Homeland Security then Judiciary
354. By Sen. Plymale, Kessler (Mr. President), Cann, Stollings, Fitzsimmons, Tucker and McCabe - **Requiring study on alternative revenue sources for funding state roads** - Introduced 2/22/13 - To Transportation and Infrastructure - Referred to Finance 3/26/13 - Amended - Passed Senate 4/1/13 - To House 4/2/13 - To Roads and Transportation then Finance - To House Finance 4/8/13
- *355. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to final wage payment to discharged employees** (original same as H. B. No. 2605 - similar to S. B. No. 175) - Introduced 2/22/13 - To Labor then Judiciary - To Judiciary 3/20/13 - Com. sub. reported 4/1/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary - Amended - Passed House 4/12/13 - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 113, Acts, Regular Session, 2013
356. By Sen. Snyder, Unger, Plymale, Beach and Williams - **Increasing salaries of certain State Police forensic lab employees and certain civilian employees** (original similar to H. B. No. 2095 and S. B. No. 75) - Introduced 2/22/13 - To Government Organization then Finance
357. By Sen. Tucker and Barnes - **Including commercial campsite in definition of "hotel" for hotel occupancy tax purposes** - Introduced 2/22/13 - To Government Organization then Finance
- *358. By Sen. Jenkins, Plymale, Chafin and McCabe - **Relating to municipal policemen and firemen pensions** (original same as H. B. No. 2896) - Introduced 2/25/13 - To Pensions then Government Organization - Com. sub. reported 3/4/13 - To Government Organization 3/4/13 - Amended - Passed Senate with amended title 3/19/13 - Effective from passage - To House 3/19/13 - To Finance - Passed House 4/11/13 - Effective from passage - To Governor 4/23/13 - Approved by Governor 4/29/13 - Chapter 138, Acts, Regular Session, 2013

- *359. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating generally to reforming public education** (original same as H. B. No. 2725) - Introduced 2/25/13 - To Education then Finance - Com. sub. reported 3/13/13 - On 2nd reading to Finance 3/13/13 - Amended on 3rd reading - Passed Senate with amended title 3/18/13 - To House 3/18/13 - To Education - Passed House 3/22/13 - To Governor 4/5/13 - Approved by Governor 4/10/13 - Chapter 55, Acts, Regular Session, 2013
360. By Sen. Laird, Kessler (Mr. President), Barnes, Boley, Carmichael, Green, D. Hall, M. Hall, Jenkins, Miller, Nohe, Yost, Wells, Plymale, Chafin, Palumbo, Fitzsimmons, Williams, McCabe and Cann - **Issuing deputy sheriffs ballistic vest upon law-enforcement certification** (original same as H. B. No. 2717) - Introduced 2/25/13 - To Government Organization then Finance - To Finance 3/7/13
361. By Sen. Unger and Nohe - **Creating WV Homeowner Bill of Rights** - Introduced 2/25/13 - To Banking and Insurance then Judiciary
362. By Sen. Snyder and Miller - **Dedicating proceeds from county excise tax on transfer of real property to regional jails** (original similar to H. B. No. 2308 and S. B. No. 141) - Introduced 2/25/13 - To Government Organization then Finance
- *363. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Implementing purchasing reforms** (original same as H. B. No. 2715) - Introduced 2/25/13 - To Government Organization then Finance - Com. sub. reported 3/27/13 - On 2nd reading to Finance 3/27/13 - Passed Senate 4/3/13 - Effective from passage - To House 4/4/13 - To Finance
364. By Sen. Unger - **Relating to nomination of political candidates and party affiliation** - Introduced 2/25/13 - To Judiciary
- *365. By Sen. Kessler (Mr. President), Chafin, Laird, Miller and Stollings - **Relating to certain criminal conviction expungement** - Introduced 2/25/13 - To Judiciary - Com. sub. reported 3/29/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary
366. By Sen. McCabe, Cann, Facemire, Green, D. Hall, Walters and Kessler (Mr. President) - **Relating to tax credit for certain alternative-fuel motor vehicles** (original similar to H. B. No. 2817) - Introduced 2/25/13 - To Transportation and Infrastructure then Finance
367. By Sen. Miller, Snyder, Unger, Chafin and Laird - **Creating Citizens Elected County Officials Compensation Commission** - Introduced 2/25/13 - To Government Organization then Finance - To Finance 3/13/13

368. By Sen. Cookman and Plymale - **Clarifying certain criminal conviction constitutes basis for voiding marriage** - Introduced 2/25/13 - To Judiciary - Passed Senate 3/15/13 - To House 3/18/13 - To Judiciary
- *369. By Sen. Unger, Kessler (Mr. President), D. Hall, Cookman, Cann, Laird, Beach, Fitzsimmons, Jenkins and Williams - **Relating to concealed handgun license reciprocity** (original similar to H. B. No. 2602) - Introduced 2/26/13 - To Judiciary - Com. sub. reported 3/27/13 - Passed Senate 4/1/13 - To House 4/2/13 - To Judiciary - Amended - Passed House 4/12/13 - Title amended - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 35, Acts, Regular Session, 2013
370. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Adjusting foundation allowance for school transportation costs and regional education service agencies** (original same as H. B. No. 2727) - Introduced 2/26/13 - To Education then Finance
- *371. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to prison overcrowding** (original same as H. B. No. 2726) - Introduced 2/26/13 - To Judiciary then Finance - Com. sub. reported 3/8/13 - To Finance 3/8/13 - Com. sub. for com. sub. reported 3/19/13 - Amended - Passed Senate with amended title 3/21/13 - To House 3/22/13 - To Judiciary then Finance - To House Finance - Amended - Passed House 4/12/13 - Title amended - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 161, Acts, Regular Session, 2013
- *372. By Sen. Laird, Beach, Miller, Prezioso, Unger, Stollings, Plymale, Cann, Fitzsimmons, Jenkins and Williams - **Creating criminal offense for interfering with emergency service call** - Introduced 2/26/13 - To Judiciary - Com. sub. reported 3/8/13 - Passed Senate 3/13/13 - To House 3/14/13 - To Judiciary then Finance - Motion to dispense second reference - To House Finance 4/8/13
373. By Sen. Plymale (By Request) and Kessler (Mr. President) - **Modifying age-range requirement for certain criminal conviction expungement** - Introduced 2/26/13 - To Judiciary
374. By Sen. Unger - **Creating WV Benefit Corporation Act** - Introduced 2/26/13 - To Judiciary
375. By Sen. Plymale, Jenkins, Unger, Stollings and Cookman - **Granting courts broad discretion in placing neglected or abused children** - Introduced 2/26/13 - To Judiciary

376. By Sen. Kirkendoll - **Relating to DUI hearings before Office of Administrative Hearings** (original same as H. B. No. 2733) - Introduced 2/27/13 - To Government Organization then Judiciary - To Judiciary 3/13/13
377. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Redefining "retailer engaging in business in this state" for sales and use tax purposes** (original same as H. B. No. 2754) - Introduced 2/27/13 - To Finance
- *378. By Sen. D. Hall, Kessler (Mr. President), Cann, Edgell, Facemire, Green, Unger, Williams, Fitzsimmons and Plymale - **Adjusting population line for calculating certain magistrate and staff salaries** (original same as H. B. No. 2549) - Introduced 2/27/13 - To Judiciary then Finance - Com. sub. reported 3/27/13 - On 2nd reading to Finance 3/27/13 - Com. sub. for com. sub. reported 4/1/13 - Passed Senate 4/3/13 - Effective from passage - To House 4/4/13 - To Government Organization then Judiciary then Finance
379. By Sen. Beach, Kessler (Mr. President), Blair, Boley, D. Hall, Miller, Fitzsimmons, Laird and Sypolt - **Expanding prescriptive authority of advanced nurse practitioners and certified nurse-midwives** - Introduced 2/27/13 - To Health and Human Resources then Government Organization
380. By Sen. Barnes, Kessler (Mr. President), Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost, Palumbo, Beach and Plymale - **Expanding Military Incentive Program for economically disadvantaged veterans** - Introduced 2/27/13 - To Military then Finance - To Finance 3/6/13
381. By Sen. Williams, Barnes, Blair, Cookman, Sypolt and Stollings - **Increasing number of family court judges** (original similar to H. B. No. 2100) - Introduced 2/27/13 - To Judiciary then Finance
382. By Sen. Cookman, Stollings, Unger, Plymale and Palumbo - **Relating generally to appointment and termination of guardians for minors** (original same as H. B. No. 2815) - Introduced 2/27/13 - To Judiciary
383. By Sen. Cookman, Stollings, Plymale and Palumbo - **Authorizing family court judges appoint counsel in certain contempt cases** (original same as H. B. No. 2777) - Introduced 2/27/13 - To Judiciary - Passed Senate with amended title 3/15/13 - To House 3/18/13 - To Judiciary - Passed House 4/5/13 - Title amended - Senate concurred in House title amendment 4/8/13 - Passed Senate 4/8/13 - To Governor 4/15/13 - Approved by Governor 4/18/13 - Chapter 158, Acts, Regular Session, 2013

- *384. By Sen. Cookman, Stollings, Unger, Plymale and Palumbo - **Increasing certified legal education credits required for court-appointed attorneys in juvenile cases** (original same as H. B. No. 2781) - Introduced 2/27/13 - To Judiciary - Com. sub. reported 3/22/13 - Passed Senate 3/27/13 - Effective July 1, 2013 - To House 3/28/13 - To Judiciary
385. By Sen. Cookman, Stollings, Unger, Plymale and Palumbo - **Allowing family court judge order child to be taken into custody in certain emergency situations** (original same as H. B. No. 2314 - similar to H. B. No. 2409) - Introduced 2/27/13 - To Judiciary
- *386. By Sen. Cookman, Plymale and Palumbo - **Relating to personal safety orders** (original same as H. B. No. 2782) - Introduced 2/27/13 - To Judiciary - Com. sub. reported 3/7/13 - Passed Senate 3/12/13 - Effective from passage - To House 3/13/13 - To Judiciary - Amended - Passed House 4/12/13 - Title amended - Effective from passage - Senate refused to concur in House amendment 4/12/13 - House refused to recede and requested conference 4/13/13 - To conference 4/13/13 - Senate adopted conference report and passed bill 4/13/13 - House adopted conference report and passed bill 4/13/13 - Effective ninety days from passage - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 146, Acts, Regular Session, 2013
387. By Sen. Cookman, Unger, Plymale and Palumbo - **Relating to family court judge supervision of criminal background investigations** (original same as H. B. No. 2783) - Introduced 2/27/13 - To Judiciary - Passed Senate 3/12/13 - Effective from passage - To House 3/13/13 - To Judiciary - Passed House 4/11/13 - Effective from passage - To Governor 4/23/13 - Approved by Governor 5/1/13 - Chapter 80, Acts, Regular Session, 2013
- *388. By Sen. Cookman, Unger, Plymale and Palumbo - **Requiring DHHR pay for certified programs for certain drug offenders** (original same as H. B. No. 2767) - Introduced 2/27/13 - To Judiciary then Finance - Com. sub. reported 3/27/13 - On 2nd reading to Finance 3/27/13
389. By Sen. Beach, Kirkendoll, Miller and Williams - **Relating to alternative nicotine products** (original same as H. B. No. 2778) - Introduced 2/27/13 - To Health and Human Resources then Judiciary
390. By Sen. Carmichael - **Increasing threshold of defendant's liability in tort action involving multiple defendants** - Introduced 2/27/13 - To Judiciary
391. By Sen. Plymale and Unger - **Transferring Division of Early Care and Education and Head Start State Collaborative to Department of Education**

- and Arts** - Introduced 2/27/13 - To Education then Government Organization - To Government Organization 3/15/13
392. By Sen. D. Hall, Green and McCabe - **Relating to regulation of fireworks** (original similar to H. B. No. 2936) - Introduced 2/27/13 - To Judiciary
393. By Sen. Williams, Laird and Sypolt - **Relating to licensed surveyors exemption from liability for defamation or slander of title** (original same as H. B. No. 2791) - Introduced 2/27/13 - To Government Organization then Judiciary
394. By Sen. Kessler (Mr. President), Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost - **Relating to scholarships for dependent children of law-enforcement officers who die in performance of duty** (original same as H. B. No. 2891) - Introduced 2/28/13 - To Judiciary then Finance - To Finance 3/13/13 - Passed Senate with amended title 3/29/13 - Effective July 1, 2013 - To House 4/1/13 - To Education then Finance - To House Finance - Amended - Passed House 4/13/13 - Title amended - Effective July 1, 2013 - Senate concurred in House amendment and passed bill 4/13/13 - Effective July 1, 2013 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 171, Acts, Regular Session, 2013
395. By Sen. Barnes, Blair, Cole, Williams, D. Hall, M. Hall, Beach, Nohe and McCabe - **Absolving landowner's civil liability for hunting, trapping or fishing injuries** (original same as H. B. No. 2833) - Introduced 2/28/13 - To Natural Resources then Judiciary
396. By Sen. Barnes and Nohe - **Creating WV Religious Freedom Restoration Act** (original same as H. B. No. 2721) - Introduced 2/28/13 - To Judiciary
397. By Sen. Unger, Kessler (Mr. President) and Beach - **Creating Protecting West Virginia's Investments Act** - Introduced 2/28/13 - To Government Organization then Finance
398. By Sen. Stollings, Kirkendoll, Miller, Laird, D. Hall and Beach - **Relating to funding assistance from Courthouse Facilities Improvement Authority** - Introduced 2/28/13 - To Judiciary then Finance
399. By Sen. Tucker, D. Hall and Chafin - **Relating to licensure of insurance adjusters** (original same as H. B. No. 2762) - Introduced 2/28/13 - To Banking and Insurance

400. By Sen. Carmichael and Chafin - **Relating to Municipal Home Rule Pilot Program** (original similar to H. B. No. 2404 and S. B. No. 163) - Introduced 2/28/13 - To Government Organization
- *401. By Sen. Snyder and Chafin - **Relating to Board of Registration for Professional Engineers** - Introduced 2/28/13 - To Government Organization then Finance - Com. sub. reported 3/27/13 - On 2nd reading to Finance 3/27/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Finance - Amended - Passed House 4/12/13 - Title amended - Effective from passage - House reconsidered effective date - Effective July 1, 2013 - Senate concurred in House amendment and passed bill 4/13/13 - Effective July 1, 2013 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 152, Acts, Regular Session, 2013
402. By Sen. Snyder and Miller - **Relating to Domestic Violence Act** (original similar to H. B. No. 2603) - Introduced 2/28/13 - To Government Organization then Judiciary
403. By Sen. Palumbo, Chafin and Kessler (Mr. President) - **Relating to judicial retirement system contribution rates** (original same as H. B. No. 2833) - Introduced 2/28/13 - To Pensions then Finance - To Finance 3/25/13 - Amended - Passed Senate with amended title 4/3/13 - Effective July 1, 2013 - To House 4/4/13 - To Pensions and Retirement then Finance - To House Finance - Passed House 4/13/13 - Title amended - Effective from passage - Senate concurred in House title amendment 4/13/13 - Passed Senate 4/13/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 109, Acts, Regular Session, 2013
404. By Sen. Cookman, Stollings, Miller, Williams, Fitzsimmons, Green and Palumbo - **Defining certain habitually absent student as neglected child** (original same as H. B. No. 2765 - similar to H. B. No. 2197) - Introduced 3/1/13 - To Education then Judiciary - To Judiciary 3/13/13 - Referred to Finance on 2nd reading 3/22/13
405. By Sen. Cann, D. Hall, Prezioso, Sypolt and Carmichael - **Limiting health insurance coverage for elective abortions to supplemental policies** (original same as S. B. No. 660 - similar to H. B. No. 3081 and H. B. No. 3136) - Introduced 3/1/13 - To Banking and Insurance then Judiciary
- *406. By Sen. Jenkins, McCabe and Cann - **Relating to Deputy Sheriff Retirement System Act** (original same as H. B. No. 2784) - Introduced 3/1/13 - To Pensions then Finance - Com. sub. reported 3/22/13 - Recommitted to Finance on 2nd reading 3/27/13
407. By Sen. Stollings - **Relating generally to child support orders** (original same as H. B. No. 2751) - Introduced 3/1/13 - To Health and Human Resources then

Judiciary - To Judiciary 3/8/13 - Passed Senate 3/22/13 - To House 3/25/13 - To Health and Human Resources then Judiciary - To House Judiciary - Passed House 4/12/13 - Title amended - Senate concurred in House title amendment 4/13/13 - Passed Senate 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 19, Acts, Regular Session, 2013

408. By Sen. Unger and Prezioso - **Allowing private property owner to prohibit concealed weapons** - Introduced 3/1/13 - To Government Organization then Judiciary
409. By Sen. Stollings and Cann - **Modifying county funding ratio of school students to counselors** (original same as H. B. No. 2827) - Introduced 3/1/13 - To Education then Finance
- *410. By Sen. Tucker, Fitzsimmons, Laird, Miller, Snyder, Walters, Yost, D. Hall, Kessler (Mr. President) and Stollings - **Relating to property insurance coverage denied or canceled due to natural causes** (original similar to H. B. No. 2850) - Introduced 3/1/13 - To Banking and Insurance - Com. sub. reported 3/26/13 - Referred to Judiciary 3/26/13
411. By Sen. Stollings - **Establishing child support insurance match program** - Introduced 3/1/13 - To Banking and Insurance then Judiciary
- *412. By Sen. Miller, Williams, Kessler (Mr. President) and Sypolt - **Relating to county conservation district supervisors** - Introduced 3/1/13 - To Agriculture and Rural Development then Judiciary - To Judiciary 3/5/13 - Passed Senate 3/18/13 - Effective from passage - To House 3/18/13 - To Agriculture then Judiciary - To House Judiciary - Com. Sub. reported 4/2/13 - Amended - Passed House 4/5/13 - Title amended - Effective from passage - Senate concurred in House amendment and passed bill 4/8/13 - Effective from passage - To Governor 4/15/13 - Approved by Governor 4/18/13 - Chapter 36, Acts, Regular Session, 2013
- *413. By Sen. Laird, Kessler (Mr. President), Beach, Cann, Cookman, Edgell, Facemire, Jenkins, McCabe, Miller, Snyder, Tucker, Wells, Unger, Stollings, Prezioso and Plymale - **Extending WV Supreme Court of Appeals Public Campaign Financing Pilot Program** (original same as H. B. No. 2805) - Introduced 3/1/13 - To Judiciary then Finance - Com. sub. reported 3/27/13 - To Finance 3/27/13
- *414. By Sen. Laird and Miller - **Clarifying hunting and fishing license-issuing authorities** - Introduced 3/1/13 - To Natural Resources then Finance - Com. sub. reported 3/13/13 - To Finance 3/13/13 - Passed Senate 3/26/13 - To House 3/27/13 - To Natural Resources then Judiciary - 2nd reference dispensed - Amended - Passed House 4/13/13 - Title amended - Senate concurred in House amendment and

passed bill 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 102, Acts, Regular Session, 2013

415. By Sen. Cookman, Stollings, Plymale and Palumbo - **Relating to multidisciplinary team meetings for juveniles in Division of Juvenile Services' custody** (original same as H. B. No. 2780) - Introduced 3/1/13 - To Health and Human Resources then Government Organization - On 2nd reading to Government Organization 3/27/13
416. By Sen. Laird, Jenkins, Stollings, Miller and Nohe - **Requiring prisoners exhaust administrative remedies prior to bringing civil suit** (original same as H. B. No. 2806) - Introduced 3/1/13 - To Judiciary
417. By Sen. Carmichael, Blair, Green, D. Hall, Nohe and Walters - **Relating to drug testing of legislators and public assistance recipients** (original similar to H. B. No. 2527 and H. B. No. 3146) - Introduced 3/4/13 - To Health and Human Resources then Judiciary then Finance
- *418. By Sen. Jenkins and McCabe - **Relating to Emergency Medical Services Retirement System Act** (original same as H. B. No. 2802) - Introduced 3/4/13 - To Pensions then Finance - Com. sub. reported 3/22/13 - Recommitted to Finance on 2nd reading 3/28/13
- *419. By Sen. Jenkins and McCabe - **Relating to Teachers Retirement System** (original same as H. B. No. 2800) - Introduced 3/4/13 - To Pensions then Finance - Com. sub. reported 3/22/13 - Recommitted to Finance on 2nd reading 3/28/13
420. By Sen. Nohe, Sypolt, Blair, Boley, Carmichael, Cole, D. Hall and Walters - **Creating Firearm Protection Act** (original same as H. B. No. 2832) - Introduced 3/4/13 - To Judiciary then Finance
- *421. By Sen. Nohe, Boley, Carmichael and Walters - **Exempting certain school mascot from prohibition of firearms possession on school grounds** - Introduced 3/4/13 - To Education then Judiciary - To Judiciary 3/22/13 - Com. sub. reported 3/28/13 - Passed Senate 4/2/13 - To House 4/3/13 - Reference dispensed - Passed House 4/5/13 - To Governor 4/15/13 - Approved by Governor 4/17/13 - Chapter 126, Acts, Regular Session, 2013
422. By Sen. Plymale, Miller, Jenkins and Stollings - **Increasing Cultural Facilities and Capitol Resources Matching Grant Program Fund allocation from racetrack video lottery** - Introduced 3/4/13 - To Government Organization then Finance

423. By Sen. Laird, Kirkendoll, Stollings, Kessler (Mr. President), Cookman and Plymale - **Providing certain convicted persons reduction in sentence** - Introduced 3/4/13 - To Judiciary - Passed Senate 3/12/13 - Effective from passage - To House 3/13/13 - To Judiciary then Finance - Motion to dispense second reference - To House Finance - Amended - Passed House 4/13/13 - Senate concurred in House amendment and passed bill 4/13/13 - Effective ninety days from passage - To Governor 4/26/13 - Approved by Governor 4/30/13 - Chapter 41, Acts, Regular Session, 2013
424. By Sen. Facemire and Beach - **Terminating state's jurisdiction over certain surface mining operation sites** (original same as H. B. No. 2826) - Introduced 3/4/13 - To Energy, Industry and Mining then Judiciary
425. By Sen. Tucker, Kessler (Mr. President) and Cookman - **Relating to mental health treatment alternatives** - Introduced 3/4/13 - To Health and Human Resources then Judiciary
- *426. By Sen. Snyder - **Amending Uniform Commercial Code** - Introduced 3/4/13 - To Interstate Cooperation then Judiciary - Com. sub. reported 3/14/13 - To Judiciary 3/14/13 - Com. sub. for com. sub. reported 4/1/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary - Amended - Passed House 4/12/13 - Title amended - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 203, Acts, Regular Session, 2013
- *427. By Sen. Green - **Clarifying requirements for certain motor vehicle searches** - Introduced 3/4/13 - To Judiciary - Com. sub. reported 3/12/13 - Passed Senate 3/15/13 - Effective from passage - To House 3/18/13 - To Judiciary
- *428. By Sen. Stollings - **Relating to billing for HIV or STD testing and treatment** (original same as H. B. No. 2749) - Introduced 3/4/13 - To Health and Human Resources then Judiciary - Com. sub. reported 3/8/13 - To Judiciary 3/8/13 - Com. sub. for com. sub. reported 3/26/13 - Passed Senate 3/29/13 - To House 4/1/13 - To Health and Human Resources then Finance
429. By Sen. Stollings - **Redefining "facility" under Medication Administration by Unlicensed Personnel Act** (original same as H. B. No. 2763) - Introduced 3/4/13 - To Health and Human Resources then Judiciary - To Judiciary 3/8/13 - Passed Senate 3/27/13 - Effective from passage - To House 3/28/13 - To Health and Human Resources then Judiciary - To House Judiciary 4/3/13
- *430. By Sen. Jenkins and McCabe - **Defining "employment term" in Teachers' Defined Contribution Retirement System** (original same as H. B. No. 2818) - Introduced 3/4/13 - To Pensions then Finance - To Finance 3/11/13 - Com. sub.

reported 3/22/13 - Amended - Passed Senate 3/28/13 - To House 3/29/13 - Reference dispensed - Passed House 4/4/13 - Title amended - Senate concurred in House title amendment 4/8/13 - Passed Senate 4/8/13 - To Governor 4/15/13 - Approved by Governor 4/18/13 - Chapter 65, Acts, Regular Session, 2013

- *431. By Sen. Jenkins and McCabe - **Relating to public employer liability for delinquent retirement contributions** (original same as H. B. No. 2822) - Introduced 3/4/13 - To Pensions then Finance - To Finance 3/11/13 - Com. sub. reported 3/22/13 - Amended - Passed Senate 3/28/13 - To House 3/29/13 - Reference dispensed - Passed House 4/4/13 - Title amended - Effective from passage - Senate concurred in House title amendment 4/8/13 - Passed Senate 4/8/13 - Effective ninety days from passage - To Governor 4/15/13 - Approved by Governor 4/18/13 - Chapter 168, Acts, Regular Session, 2013
- *432. By Sen. Jenkins, Kessler (Mr. President), Barnes, Beach, Cann, Carmichael, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Kirkendoll, McCabe, Palumbo, Snyder, Stollings, Unger, Wells, Williams, Yost and Plymale - **Relating generally to State Treasurer's Office** (original same as H. B. No. 2837) - Introduced 3/4/13 - To Pensions then Finance - Com. sub. reported 3/11/13 - To Finance 3/11/13
- *433. By Sen. Tucker and Plymale - **Creating informal dispute resolution process for DHHR providers or licensees** - Introduced 3/5/13 - To Government Organization then Judiciary - Com. sub. reported 3/21/13 - To Judiciary 3/21/13 - Passed Senate 4/2/13 - Effective July 1, 2013 - To House 4/3/13 - To Health and Human Resources then Judiciary - To House Judiciary 4/5/13
434. By Sen. Tucker, Fitzsimmons, Laird, Miller, Snyder, Walters, Yost, Kessler (Mr. President), Sypolt and Plymale - **Prohibiting increase of motor vehicle insurance premium under certain circumstances** (original same as H. B. No. 2551) - Introduced 3/5/13 - To Banking and Insurance
- *435. By Sen. Snyder, Miller, Kessler (Mr. President), Jenkins, Yost, Stollings, Plymale, McCabe, Fitzsimmons, Palumbo and Beach - **Continuing Municipal Home Rule Pilot Program** (original similar to H. B. No. 2761) - Introduced 3/5/13 - To Government Organization - Com. sub. reported 3/6/13 - Amended - Constitutional rule suspended - Passed Senate 3/7/13 - Effective July 1, 2013 - To House 3/8/13 - To Government Organization - Amended - Passed House 4/11/13 - Title amended - Effective July 1, 2013 - Senate refused to concur in House amendment 4/12/13 - House refused to recede and requested conference 4/12/13 - To conference 4/12/13 - Senate adopted conference report and passed bill 4/13/13 - Effective July 1, 2013 - House adopted conference report and passed bill 4/13/13 - Effective July 1, 2013 - To Governor 4/26/13 - Approved by Governor 5/3/13 - Chapter 135, Acts, Regular Session, 2013

436. By Sen. Prezioso and Facemire - **Eliminating rehabilitated residential building tax credit** (original same as H. B. No. 2916) - Introduced 3/5/13 - To Government Organization then Finance
- *437. By Sen. Unger, Beach and Yost - **Regulating commercial dog-breeding operations** (original similar to H. B. No. 2838) - Introduced 3/5/13 - To Agriculture and Rural Development then Judiciary - Com. sub. reported 3/26/13 - To Judiciary 3/26/13 - Com. sub. for com. sub. reported 4/1/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary - Passed House 4/12/13 - To Governor 4/25/13 - Approved by Governor 5/3/13 - Chapter 47, Acts, Regular Session, 2013
- *438. By Sen. Plymale, Wells and McCabe - **Authorizing reorganization of certain community and technical colleges** - Introduced 3/5/13 - To Education then Finance - Com. sub. reported 3/21/13 - To Finance 3/21/13 - Passed Senate 4/1/13 - Effective from passage - To House 4/2/13 - To Education then Finance - To House Finance - Amended - Passed House 4/13/13 - Title amended - Effective from passage - Senate concurred in House amendment and passed bill 4/13/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 94, Acts, Regular Session, 2013
439. By Sen. Prezioso, Facemire and Plymale - **Relating to payment correction procedure for erroneous fund distribution** (original same as H. B. No. 2913) - Introduced 3/5/13 - To Government Organization then Finance - To Finance 3/21/13
- *440. By Sen. Prezioso, Facemire, Stollings and Plymale - **Relating to disclosure of specified tax information for enforcement of Tobacco Master Settlement Agreement** (original same as H. B. No. 2912) - Introduced 3/5/13 - To Judiciary - Com. sub. reported 3/21/13 - Passed Senate 3/26/13 - Effective from passage - To House 3/27/13 - To Finance - Passed House 4/11/13 - Effective from passage - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 185, Acts, Regular Session, 2013
441. By Sen. Prezioso, Facemire, Stollings, Plymale and McCabe - **Relating to withdrawal of erroneous state tax liens** (original same as H. B. No. 2915) - Introduced 3/5/13 - To Judiciary - Passed Senate 3/20/13 - To House 3/21/13 - To Finance - Amended - Passed House 4/12/13 - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/30/13 - Chapter 182, Acts, Regular Session, 2013
442. By Sen. Unger, Kessler (Mr. President), D. Hall, Fitzsimmons and Beach - **Allowing certain persons possess firearms without having hunting license** - Introduced 3/5/13 - To Natural Resources then Judiciary

- *443. By Sen. Tucker, Miller, Snyder, Walters and Kessler (Mr. President) - **Increasing minimum proof of financial responsibility in motor vehicle insurance coverage** (original same as H. B. No. 2823) - Introduced 3/5/13 - To Banking and Insurance then Judiciary - Com. sub. reported 3/19/13 - To Judiciary 3/19/13
- *444. By Sen. Plymale, Jenkins and Beach - **Relating to higher education generally** - Introduced 3/5/13 - To Education then Finance - Com. sub. reported 3/28/13 - On 2nd reading to Finance 3/28/13 - Passed Senate 4/3/13 - Effective from passage - To House 4/4/13 - To Education then Finance - To House Finance - Amended - Passed House 4/13/13 - Title amended - Effective from passage - Senate concurred in House amendment and passed bill 4/13/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 93, Acts, Regular Session, 2013
- *445. By Sen. Prezioso, Facemire, Stollings, Plymale, McCabe and Beach - **Allowing Tax Commissioner divert lottery prizes to offset tax liabilities of lottery winners** (original same as H. B. No. 2910) - Introduced 3/5/13 - To Judiciary then Finance - Com. sub. reported 3/14/13 - To Finance 3/14/13 - Passed Senate 3/26/13 - Effective July 1, 2013 - To House 3/27/13 - To Finance - Passed House 4/11/13 - Effective July 1, 2013 - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 186, Acts, Regular Session, 2013
446. By Sen. Prezioso, Facemire and Beach - **Conforming motor fuel taxes with International Fuel Tax Agreement** (original same as H. B. No. 2914) - Introduced 3/5/13 - To Finance - Passed Senate 3/19/13 - Effective from passage - To House 3/19/13 - To Roads and Transportation then Finance - To House Finance - Passed House 4/11/13 - Effective July 1, 2013 - Senate concurred in House changed effective date 4/12/13 - Effective July 1, 2013 - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 191, Acts, Regular Session, 2013
447. By Sen. Barnes - **Prohibiting hourly wage rate from exceeding Davis-Bacon Act rate** - Introduced 3/5/13 - To Labor then Finance
- *448. By Sen. Beach, Plymale, Fitzsimmons and Williams - **Increasing number of demonstration dealer plates issued to large commercial vehicle dealers** (original similar to H. B. No. 2859) - Introduced 3/5/13 - To Transportation and Infrastructure then Finance - Com. sub. reported 3/14/13 - To Finance 3/14/13 - Com. sub. for com. sub. reported 3/26/13 - Passed Senate 3/29/13 - To House 4/1/13 - Reference dispensed - Passed House 4/4/13 - To Governor 4/15/13 - Approved by Governor 4/19/13 - Chapter 133, Acts, Regular Session, 2013
449. By Sen. Carmichael and Blair - **Relating to disposal of certain electronic devices** - Introduced 3/5/13 - To Government Organization then Judiciary - To Judiciary 3/20/13

450. By Sen. Carmichael - **Establishing comparative fault standard** (original similar to H. B. No. 2843) - Introduced 3/5/13 - To Judiciary
451. By Sen. Beach - **Clarifying when carbon monoxide detector is required** - Introduced 3/5/13 - To Judiciary - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary
452. By Sen. Beach - **Increasing Board of Examiners for Registered Professional Nurses membership** - Introduced 3/5/13 - To Government Organization
453. By Sen. Beach - **Reverting number of county magistrates to pre-2000 level** - Introduced 3/5/13 - To Judiciary then Finance
- *454. By Sen. Prezioso and Facemire - **Relating to taxation of alternative motor fuels** (original same as H. B. No. 2886) - Introduced 3/6/13 - To Transportation and Infrastructure then Finance - Com. sub. reported 3/26/13 - To Finance 3/26/13 - Com. sub. for com. sub. reported 4/1/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Roads and Transportation then Finance - To House Finance - Amended - Passed House 4/12/13 - Effective July 1, 2013 - Senate concurred in House amendment and passed bill 4/13/13 - Effective from passage - Effective ninety days from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 192, Acts, Regular Session, 2013
455. By Sen. Green, Edgell, Fitzsimmons, D. Hall and Yost - **Relating to horse or dog racing** - Introduced 3/6/13 - To Judiciary then Finance
456. By Sen. Jenkins, Kessler (Mr. President), Chafin and Plymale - **Relating to rebuttable presumption for firefighters' disability and death benefits for certain cancers** - Introduced 3/6/13 - To Judiciary
457. By Sen. Prezioso, Tucker, Laird and Plymale - **Relating to air-ambulance service fees paid by PEIA** (original same as H. B. No. 2909) - Introduced 3/6/13 - To Transportation and Infrastructure then Finance
458. By Sen. Prezioso and Tucker - **Permitting PEIA operate Medicare retiree health plan on calendar-year basis** (original same as H. B. No. 2877) - Introduced 3/6/13 - To Banking and Insurance then Government Organization - To Government Organization 3/19/13 - Passed Senate 4/3/13 - To House 4/4/13 - Reference dispensed - Amended - Passed House 4/8/13 - Title amended - Effective from passage - Senate concurred in House amendment and passed bill 4/9/13 - Effective from passage - To Governor 4/15/13 - Approved by Governor 4/16/13 - Chapter 159, Acts, Regular Session, 2013

- *459. By Sen. Carmichael and D. Hall - **Relating to warrants for used motor vehicles** (original same as H. B. No. 3041) - Introduced 3/6/13 - To Judiciary - Com. sub. reported 4/2/13 - Recommended to Judiciary on 3rd reading 4/4/13
460. By Sen. Wells, Green, Barnes, Beach, Edgell, Fitzsimmons, Laird, Snyder, Sypolt, Walters, Yost, Unger, Kessler (Mr. President), Stollings, Jenkins, Cann, Plymale and Williams - **Exempting certain residents' active duty military pay from state income tax** - Introduced 3/6/13 - To Military then Finance - To Finance 3/13/13 - Passed Senate with amended title 4/1/13 - To House 4/2/13 - To Finance - Passed House 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/30/13 - Chapter 145, Acts, Regular Session, 2013
- *461. By Sen. Cookman, Beach, Fitzsimmons, D. Hall, Jenkins, Laird, Williams, Unger, Kessler (Mr. President), Stollings, Chafin, Miller, Snyder, Plymale and Palumbo - **Relating to procedures and protections for child witnesses in domestic relations proceedings** (original same as H. B. No. 2824) - Introduced 3/6/13 - To Judiciary - Com. sub. reported 3/20/13 - Passed Senate 3/25/13 - To House 3/26/13 - To Judiciary - Amended - Passed House 4/13/13 - Title amended - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 22, Acts, Regular Session, 2013
462. By Sen. Facemire, Beach, Kirkendoll, Palumbo, Cann, Edgell, Snyder, Stollings, D. Hall, McCabe and Plymale - **Extending time for informal conferences on surface mining permit applications** (original same as H. B. No. 2862) - Introduced 3/6/13 - To Energy, Industry and Mining then Judiciary - To Judiciary 3/19/13 - Passed Senate 4/1/13 - To House 4/2/13 - To Energy, Industry and Labor, Economic Development and Small Business then Judiciary - To House Judiciary - Passed House 4/11/13 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 130, Acts, Regular Session, 2013
463. By Sen. Kirkendoll, Beach, Facemire, Green, Laird, Snyder and Plymale - **Increasing special license fee paid by pipeline companies to PSC** (original same as H. B. No. 2722) - Introduced 3/6/13 - To Energy, Industry and Mining then Finance - To Finance 3/13/13 - Passed Senate 3/29/13 - To House 4/1/13 - Reference dispensed - Amended - Passed House 4/5/13 - Title amended - House reconsidered effective date - Effective July 1, 2013 - Senate concurred in House amendment and passed bill 4/8/13 - Effective July 1, 2013 - To Governor 4/15/13 - Approved by Governor 4/19/13 - Chapter 88, Acts, Regular Session, 2013
- *464. By Sen. Stollings, Beach, Wells, Kessler (Mr. President), Yost and Unger - **Regulating tanning facilities** (original similar to H. B. No. 2768) - Introduced 3/6/13 - To Health and Human Resources then Finance - Com. sub. reported 3/13/13 - 2nd reference dispensed - Passed Senate 3/18/13 - To House 3/18/13 - To

- Health and Human Resources then Judiciary - To House Judiciary - Amended - Passed House 4/12/13 - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 4/26/13 - Approved by Governor 5/1/13 - Chapter 181, Acts, Regular Session, 2013
465. By Sen. Wells, Fitzsimmons, Green, Snyder, Yost, Unger, Stollings, Palumbo and Williams - **Providing campground fee discount to youth groups undertaking certain community service projects** - Introduced 3/6/13 - To Natural Resources then Finance
- *466. By Sen. Laird, Kessler (Mr. President), Stollings, Fitzsimmons and Williams - **Creating Dangerous Wild Animals Act** - Introduced 3/6/13 - To Natural Resources then Finance - Com. sub. reported 3/22/13 - To Finance 3/22/13 - Com. sub. for com. sub. reported 3/28/13 - Passed Senate 4/2/13 - To House 4/3/13 - To Judiciary then Finance
467. By Sen. Laird, Edgell, Kirkendoll and Stollings - **Revising stocking permit requirements for release of aquatic species into state waters** - Introduced 3/6/13 - To Natural Resources then Judiciary - To Judiciary 3/13/13 - Passed Senate 4/1/13 - To House 4/2/13 - To Natural Resources then Judiciary
468. By Sen. Unger, Laird, Kessler (Mr. President), Stollings, Snyder and Fitzsimmons - **Creating WV Animal Abuse Registry** - Introduced 3/6/13 - To Judiciary then Finance
- *469. By Sen. Jenkins, Kessler (Mr. President), Chafin, McCabe and Plymale - **Clarifying service credit for certain PERS members** - Introduced 3/6/13 - To Pensions then Finance - To Finance 3/11/13 - Com. sub. reported 3/22/13 - Passed Senate 3/27/13 - To House 3/28/13 - To Pensions and Retirement then Finance - To House Finance - Passed House 4/12/13 - Title amended - Senate concurred in House title amendment 4/13/13 - Passed Senate 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 166, Acts, Regular Session, 2013
470. By Sen. Miller, Williams, Stollings, Kessler (Mr. President) and Beach - **Permitting wine sale on Sunday mornings at fairs and festivals** - Introduced 3/7/13 - To Agriculture and Rural Development then Judiciary - To Judiciary 3/19/13 - Passed Senate with amended title 4/1/13 - To House 4/2/13 - To Agriculture then Judiciary - To House Judiciary - Passed House 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 207, Acts, Regular Session, 2013
471. By Sen. Stollings - **Clarifying "years of employment" includes county school board service for retirement purposes** - Introduced 3/7/13 - To Pensions then Finance

472. By Sen. Kirkendoll, Beach, Blair, Cann, Carmichael, Chafin, Cole, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Laird, McCabe, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Kessler (Mr. President) and Yost - **Implementing state-specific selenium criteria plan** (original same as H. B. No. 2579) - Introduced 3/7/13 - To Energy, Industry and Mining then Judiciary
473. By Sen. Chafin and Beach - **Allowing issuance of ten-year vehicle registration plate to Bronze Star Medal recipients** - Introduced 3/7/13 - To Transportation and Infrastructure then Finance
474. By Sen. Chafin - **Clarifying when deposits are presumed abandoned for unclaimed property purposes** - Introduced 3/7/13 - To Banking and Insurance then Government Organization - To Government Organization 3/26/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Banking and Insurance then Finance
475. By Sen. Chafin, Barnes, Beach, Carmichael, Cole, Green, D. Hall, Laird, McCabe, Miller, Nohe, Sypolt, Walters, Williams, Stollings, Kessler (Mr. President) and Unger - **Requiring Parkways Authority transfer portion of Turnpike revenue to certain counties** - Introduced 3/7/13 - To Transportation and Infrastructure then Finance
476. By Sen. Barnes, Blair, Cole, Cookman, Green, Sypolt, Williams, Stollings and D. Hall - **Relating to distance firearm can be discharged near home, school or church** (original similar to H. B. No. 2866) - Introduced 3/7/13 - To Natural Resources then Judiciary
- *477. By Sen. Palumbo - **Relating to electronic registration of voters** (original same as H. B. No. 2865) - Introduced 3/7/13 - To Judiciary - Com. sub. reported 3/15/13 - Passed Senate 3/20/13 - To House 3/21/13 - To Judiciary - Passed House 4/12/13 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 72, Acts, Regular Session, 2013
- *478. By Sen. Miller, Laird, Barnes and Williams - **Redefining "video lottery games"; permitting wagering by historic resort hotel employees** - Introduced 3/7/13 - To Judiciary then Finance - Com. sub. reported 3/27/13 - On 2nd reading to Finance 3/27/13 - Passed Senate 4/3/13 - Effective from passage - To House 4/4/13 - To Judiciary - Passed House 4/11/13 - Title amended - Effective from passage - Senate concurred in House title amendment 4/12/13 - Passed Senate 4/12/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 86, Acts, Regular Session, 2013

479. By Sen. Snyder - **Providing procedure for foreign corporations reinstate in same manner as limited liability companies** (original similar to H. B. No. 2554) - Introduced 3/7/13 - To Judiciary
480. By Sen. Blair, Snyder and Unger - **Requiring alcohol servers obtain alcohol server permits** - Introduced 3/7/13 - To Government Organization then Judiciary
- *481. By Sen. Palumbo, Unger, Jenkins and Tucker - **Relating to juvenile mental health treatment** - Introduced 3/7/13 - To Health and Human Resources then Judiciary - Com. sub. reported 3/29/13 - On 2nd reading to Judiciary 3/29/13 - Amended - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary - Passed House 4/12/13 - To Governor 4/26/13 - Approved by Governor 4/30/13 - Chapter 128, Acts, Regular Session, 2013
- *482. By Sen. Palumbo - **Relating to sale of voter registration lists** (original same as H. B. No. 2863) - Introduced 3/7/13 - To Judiciary then Finance - Com. sub. reported 3/14/13 - To Finance 3/14/13 - Passed Senate 3/29/13 - To House 4/1/13 - To Judiciary then Finance - To House Finance - Amended - Passed House 4/12/13 - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 73, Acts, Regular Session, 2013
483. By Sen. Plymale, Stollings, Unger, Beach and Tucker - **Increasing fire and casualty insurance policies surcharge to benefit fire departments** (original same as H. B. No. 2057) - Introduced 3/7/13 - To Banking and Insurance then Finance - To Finance 3/26/13
484. By Sen. Green, D. Hall, McCabe, Williams and Stollings - **Providing immunity from liability for ski patrol rendering emergency assistance** - Introduced 3/8/13 - To Judiciary
485. By Sen. Laird, Green, Wells, D. Hall, Unger, Miller and Tucker - **Increasing compensation of natural resources police officers** (original same as H. B. No. 3015 - similar to H. B. No. 2335) - Introduced 3/8/13 - To Natural Resources then Finance
486. By Sen. Kessler (Mr. President), Snyder, Palumbo, Wells, Beach, McCabe, Edgell, Fitzsimmons and Cookman - **Prohibiting discrimination based upon age or sexual orientation** (original similar to H. B. No. 2856) - Introduced 3/8/13 - To Judiciary
487. By Sen. Prezioso, Cann, Beach, M. Hall, D. Hall, Boley and Carmichael - **Creating WV Pain-Capable Unborn Child Protection Act** (original similar to H. B. No. 2364) - Introduced 3/8/13 - To Judiciary then Finance

- *488. By Sen. Stollings, Kirkendoll, Green, D. Hall, Kessler (Mr. President), Unger and Williams - **Relating to damage to health or safety systems of certain facilities** (original similar to H. B. No. 2907) - Introduced 3/8/13 - To Energy, Industry and Mining then Judiciary - Com. sub. reported 3/19/13 - To Judiciary 3/19/13 - Com. sub. for com. sub. reported 3/26/13 - Passed Senate 3/29/13 - To House 4/1/13 - To Judiciary
489. By Sen. Facemire, Cann, Chafin, Edgell, Kirkendoll, Snyder and Stollings - **Permitting community enhancement districts to decrease annual property assessments** - Introduced 3/8/13 - To Government Organization - Passed Senate 3/25/13 - Effective from passage - To House 3/26/13 - To Judiciary then Finance - To House Finance - Amended - Passed House 4/13/13 - Title amended - Effective from passage - Senate concurred in House amendment and passed bill 4/13/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 30, Acts, Regular Session, 2013
- *490. By Sen. Unger and Snyder - **Creating Equine Facilities and Care Act** - Introduced 3/8/13 - To Agriculture and Rural Development then Judiciary - Com. sub. reported 3/26/13 - To Judiciary 3/26/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary
491. By Sen. M. Hall, Beach, Carmichael, Kessler (Mr. President), McCabe and Walters - **Relating to rental car license cost recovery fee** (original same as H. B. No. 2868) - Introduced 3/8/13 - To Transportation and Infrastructure - Passed Senate 3/28/13 - To House 3/29/13 - To Judiciary - Passed House 4/11/13 - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 164, Acts, Regular Session, 2013
- *492. By Sen. Tucker, Barnes, Chafin, Cookman, Edgell, Facemire, Kirkendoll, McCabe, Stollings, Williams and Kessler (Mr. President) - **Authorizing rural resort community as limited gaming facility** - Introduced 3/8/13 - To Judiciary then Finance - Com. sub. reported 3/28/13 - On 2nd reading to Finance 3/28/13 - Amended - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary then Finance - To House Finance 4/8/13
- *493. By Sen. Plymale and Stollings - **Providing standards for converting and retrofitting motor vehicles to alternative fuels** - Introduced 3/11/13 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 3/27/13 - To Judiciary 3/27/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Natural Resources then Judiciary - To House Judiciary 4/8/13
494. By Sen. Laird, Cookman, Miller, Snyder, Stollings, Wells, Yost, Plymale and Fitzsimmons - **Implementing responsible parent program pilot project** (original

- same as H. B. No. 2809 - similar to H. B. No. 3087 and S. B. No. 609) - Introduced 3/11/13 - To Judiciary then Finance
495. By Sen. Williams and Sypolt - **Requiring public notice prior to real property acquisition by Outdoor Heritage Conservation Fund Board** - Introduced 3/11/13 - To Natural Resources then Finance
496. By Sen. Facemire, Laird, Blair and Plymale - **Finding and declaring certain claims against state** - Introduced 3/11/13 - To Finance - Passed Senate 3/26/13 - Effective from passage - To House 3/27/13 - To Finance - Amended - Passed House 4/3/13 - Effective from passage - Senate concurred in House amendment and passed bill 4/8/13 - Effective from passage - To Governor 4/15/13 - Approved by Governor 4/18/13 - Chapter 26, Acts, Regular Session, 2013
497. By Sen. Walters, Barnes, Green, D. Hall, Kirkendoll, Miller, Nohe, Stollings, Sypolt and Tucker - **Improving emergency preparedness; creating emergency generator tax credit** (original similar to H. B. No. 2544) - Introduced 3/12/13 - To Judiciary then Finance
- *498. By Sen. Palumbo - **Relating to hearing location for Alcohol Beverage Control Administration's appeal hearings** (original same as H. B. No. 3141) - Introduced 3/12/13 - To Government Organization then Judiciary - Com. sub. reported 3/27/13 - On 2nd reading to Judiciary 3/27/13 - Com. sub. for com. sub. reported 3/28/13 - Passed Senate 4/2/13 - Effective July 1, 2013 - To House 4/3/13 - To Judiciary - Amended - Passed House 4/13/13 - Title amended - Effective July 1, 2013 - Senate concurred in House amendment and passed bill 4/13/13 - Effective July 1, 2013 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 2, Acts, Regular Session, 2013
499. By Sen. Chafin - **Prohibiting sellers from placing surcharges on consumers for credit card usage** - Introduced 3/12/13 - To Banking and Insurance then Judiciary
500. By Sen. Sypolt - **Authorizing certain counties levy charge on ski lift tickets to fund emergency medical services** - Introduced 3/12/13 - To Government Organization then Finance
501. By Sen. Chafin, Barnes, Nohe and Fitzsimmons - **Creating license plate for fallen law-enforcement officers' next-of-kin** (original similar to H. B. No. 2122 and S. B. No. 178) - Introduced 3/12/13 - To Transportation and Infrastructure then Finance
502. By Sen. Palumbo, Kessler (Mr. President), Unger, Stollings, Cann and McCabe - **Clarifying language in Special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth** - Introduced 3/12/13 - To Education

503. By Sen. Kessler (Mr. President), Yost, Wells, Cann, Nohe and Fitzsimmons - **Requiring county commissions purchase and display POW/MIA flag** (original similar to H. B. No. 2895) - Introduced 3/12/13 - To Government Organization then Judiciary
504. By Sen. Miller, Williams and D. Hall - **Relating to cooperative associations** - Introduced 3/12/13 - To Agriculture and Rural Development then Judiciary - To Judiciary 3/19/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary - Passed House 4/11/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 1, Acts, Regular Session, 2013
505. By Sen. Snyder and Wells - **Publishing certain Secretary of State documents in electronic format only** (original same as H. B. No. 2542) - Introduced 3/12/13 - To Government Organization then Finance
506. By Sen. Tucker and Fitzsimmons - **Relating to residency requirement of state-chartered banking institution directors** (original same as H. B. No. 2923) - Introduced 3/13/13 - To Banking and Insurance then Judiciary - Recommitted to Judiciary on 2nd reading 4/1/13
507. By Sen. Cann, Jenkins and McCabe - **Relating to PERS and State Police Retirement System contribution rates** - Introduced 3/13/13 - To Pensions - Passed Senate 3/28/13 - Effective from passage - To House 3/29/13 - To Pensions and Retirement then Judiciary - To House Judiciary - Amended on 3rd reading - Passed House 4/13/13 - Title amended - Senate refused to concur in House amendment 4/13/13
- *508. By Sen. Prezioso, Cann, Stollings and McCabe - **Creating per-credit-hour tuition demonstration pilot project** - Introduced 3/13/13 - To Education then Finance - Com. sub. reported 3/22/13 - 2nd reference dispensed - Referred to Finance on 2nd reading 3/26/13
509. By Sen. Laird - **Imposing statutory liens on certain fire insurance proceeds** - Introduced 3/13/13 - To Banking and Insurance then Government Organization - To Government Organization 3/26/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Banking and Insurance then Judiciary - To House Judiciary 4/8/13
- *510. By Sen. Wells, Fitzsimmons, Green, Yost and Snyder - **Permitting state employees be appointed to state officer position without pay reduction** - Introduced 3/13/13 - To Government Organization then Finance - Com. sub. reported 3/20/13 - To Finance 3/20/13

- *511. By Sen. Yost, Edgell, Fitzsimmons, D. Hall, Laird, Wells, Unger and Williams - **Creating WV Veterans Auxiliary Fund** - Introduced 3/13/13 - To Military then Finance - Com. sub. reported 3/27/13 - On 2nd reading to Finance 3/27/13
512. By Sen. Yost - **Exempting certain state and federal retirement income from state income tax** - Introduced 3/13/13 - To Finance
513. By Sen. Yost - **Increasing military retirement income tax exemption** - Introduced 3/13/13 - To Military then Finance
514. By Sen. Wells and Barnes - **Requiring full-time school personnel accrue personal leave on monthly basis** - Introduced 3/13/13 - To Education then Finance
515. By Sen. Cole, Carmichael, Green, D. Hall and Stollings - **Relating to use of television receivers and other devices in vehicles** - Introduced 3/13/13 - To Transportation and Infrastructure then Judiciary - To Judiciary 3/25/13 - Passed Senate 4/2/13 - To House 4/3/13 - To Judiciary - Amended - Passed House 4/12/13 - Title amended - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 134, Acts, Regular Session, 2013
- *516. By Sen. Yost, Miller and Carmichael - **Modifying bond requirement for closing-out sales, fire sales and defunct business sales** (original same as H. B. No. 2166) - Introduced 3/13/13 - To Labor then Judiciary - Com. sub. reported 3/20/13 - To Judiciary 3/20/13
517. By Sen. Cann, Plymale, D. Hall, M. Hall and Stollings - **Creating WV Fair Health Insurance Act of 2013** (original same as H. B. No. 2918) - Introduced 3/13/13 - To Banking and Insurance then Judiciary
- *518. By Sen. Tucker and Plymale - **Authorizing Insurance Commissioner propose emergency and legislative rules for certain reviews** (original same as H. B. No. 2960) - Introduced 3/13/13 - To Banking and Insurance then Judiciary - Com. sub. reported 3/26/13 - To Judiciary 3/26/13
519. By Sen. Barnes - **Providing elected county officials and employees receive raise based on Consumer Price Index** (original similar to H. B. No. 3023) - Introduced 3/13/13 - To Government Organization then Finance
- *520. By Sen. Cann, Kessler (Mr. President), M. Hall, Kirkendoll, McCabe, Plymale, Stollings, Tucker, Williams and Palumbo - **Creating WV Project Launchpad Act, WV Project Launchpad for Economic Development Property Valuation Act**

- and Promoting WV Employment Act** - Introduced 3/13/13 - To Economic Development then Finance - Com. sub. reported 3/21/13 - To Finance 3/21/13
- *521. By Sen. Laird, Palumbo, Kirkendoll, Cookman, Stollings, Kessler (Mr. President), Snyder, Cann, Plymale, Williams, Miller and Chafin - **Creating amnesty program for certain drivers with suspended or revoked licenses** - Introduced 3/14/13 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 3/25/13 - To Judiciary 3/25/13 - Com. sub. for com. sub. reported 4/1/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary - Died On 2nd reading, Special Calendar
- *522. By Sen. Laird, Palumbo, Kirkendoll, Cookman, Cann, Snyder and Fitzsimmons - **Relating to collection and processing of certain court fees** - Introduced 3/14/13 - To Judiciary then Finance - Com. sub. reported 3/20/13 - To Finance 3/20/13
523. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Making supplementary appropriation of unappropriated moneys to various accounts** (original same as H. B. No. 2930) - Introduced 3/14/13 - To Finance - Passed Senate 3/25/13 - Effective from passage - To House 3/26/13 - To Finance - Amended - Passed House 4/12/13 - Title amended - Effective from passage - Senate concurred in House amendment and passed bill 4/13/13 - Effective from passage - To Governor 4/19/13 - Approved by Governor 4/22/13 - Chapter 9, Acts, Regular Session, 2013
524. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOT** (original same as H. B. No. 2928) - Introduced 3/14/13 - To Finance - Passed Senate 3/25/13 - Effective from passage - To House 3/26/13 - To Finance - Passed House 4/11/13 - Effective from passage - To Governor 4/19/13 - Approved by Governor 4/22/13 - Chapter 10, Acts, Regular Session, 2013
525. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Making supplementary appropriation of federal funds to various accounts** (original same as H. B. No. 2929) - Introduced 3/14/13 - To Finance - Passed Senate 3/25/13 - Effective from passage - To House 3/26/13 - To Finance - Amended - Passed House 4/12/13 - Effective from passage - Senate concurred in House amendment and passed bill 4/13/13 - Effective from passage - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 11, Acts, Regular Session, 2013
526. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Making supplementary appropriation of federal funds to DHHR, Division of Human Services-Temporary Assistance for Needy Families** (original same as H. B. No. 2931) - Introduced 3/14/13 - To Finance - Passed Senate 3/25/13 - Effective from passage - To House 3/26/13 - To Finance - Passed House 4/11/13

- Effective from passage - To Governor 4/19/13 - Approved by Governor 4/22/13
- Chapter 12, Acts, Regular Session, 2013
- *527. By Sen. Palumbo, Cann and McCabe - **Relating to process of filling vacancies in certain elected offices** (original similar to H. B. No. 2857) - Introduced 3/14/13 - To Judiciary - Com. sub. reported 3/28/13 - Passed Senate 4/1/13 - To House 4/2/13 - To Judiciary - Amended - Amended on 3rd reading - Passed House 4/13/13 - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 76, Acts, Regular Session, 2013
528. By Sen. McCabe, Cann, Edgell, Miller, Palumbo, Tucker, Walters, Wells, Kessler (Mr. President) and Williams - **Computing local county share of public education library funding** (original similar to H. B. No. 3111 and H. B. No. 575) - Introduced 3/14/13 - To Education then Finance
529. By Sen. Kirkendoll, Cann and Tucker - **Requiring county commission be advised before discharging certain county employees** (original same as H. B. No. 3024 - similar to S. B. No. 548) - Introduced 3/14/13 - To Government Organization then Judiciary
530. By Sen. Kirkendoll, Cann, Jenkins, Tucker, Stollings and McCabe - **Authorizing circuit and magistrate courts place surcharge on bail bonds to offset regional jail costs** (original same as S. B. No. 547 - similar to H. B. No. 3070) - Introduced 3/14/13 - To Judiciary then Finance
531. By Sen. Kirkendoll, Cann, D. Hall, Tucker, Chafin and Fitzsimmons - **Providing elected county officials receive raise based on Consumer Price Index** (original same as H. B. No. 3023) - Introduced 3/14/13 - To Government Organization then Finance
532. By Sen. Walters, Chafin and Fitzsimmons - **Prohibiting certain corporations engaging in predispute binding arbitration from receiving state funding, contracts or purchasing agreements** - Introduced 3/14/13 - To Judiciary
- *533. By Sen. Miller, Jenkins, Palumbo and Wells - **Modifying definitions of "domestic battery" and "domestic assault"** (original same as H. B. No. 2939) - Introduced 3/14/13 - To Judiciary - Com. sub. reported 3/27/13 - Passed Senate 4/1/13 - To House 4/2/13 - To Judiciary - Died On 2nd reading, Special Calendar
- *534. By Sen. Palumbo - **Correcting internal code reference regarding insurance information disclosure** - Introduced 3/14/13 - To Judiciary - Com. sub. reported 3/20/13 - Passed Senate 3/25/13 - Effective from passage - To House 3/26/13 - To Judiciary - Passed House 4/11/13 - Effective from passage - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 105, Acts, Regular Session, 2013

- *535. By Sen. Palumbo, Wells, McCabe and Fitzsimmons - **Relating to process for maintaining voter registration lists** (original same as H. B. No. 2941) - Introduced 3/14/13 - To Judiciary - Com. sub. reported 3/21/13 - Passed Senate 3/26/13 - To House 3/27/13 - To Judiciary then Finance - To House Finance - Amended - Passed House 4/12/13 - Title amended - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 68, Acts, Regular Session, 2013
536. By Sen. Blair, Barnes, Carmichael, Cole, M. Hall, Nohe and Walters - **Prohibiting public officials and employees from using public funds for self promotion** (original same as H. B. No. 2942) - Introduced 3/14/13 - To Government Organization then Judiciary
537. By Sen. Plymale, Jenkins, D. Hall, Unger, Cann, McCabe and Chafin - **Creating Library Facilities Improvement Fund** (original same as H. B. No. 2592) - Introduced 3/14/13 - To Government Organization then Finance - On 2nd reading to Finance 3/27/13
- *538. By Sen. Palumbo, Laird, Miller and Fitzsimmons - **Relating generally to disposition of domestic violence orders** - Introduced 3/14/13 - To Judiciary - Com. sub. reported 3/21/13 - Passed Senate 3/26/13 - To House 3/27/13 - To Judiciary - Amended - Passed House 4/12/13 - Title amended - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 49, Acts, Regular Session, 2013
539. By Sen. Sypolt, Barnes, Blair, Carmichael, Cole, M. Hall, Nohe, Walters and Williams - **Excluding certain veteran disability income when calculating spousal support** - Introduced 3/15/13 - To Military then Judiciary
- *540. By Sen. Kessler (Mr. President), Edgell, Fitzsimmons, Yost and Beach - **Permitting Ohio County and Monongalia County commissions levy special district excise tax** - Introduced 3/15/13 - To Government Organization then Finance - Com. sub. reported 3/20/13 - To Finance 3/20/13
541. By Sen. Laird, Chafin, Green, D. Hall, M. Hall, Kirkendoll, Tucker, Yost, Kessler (Mr. President), Stollings and Plymale - **Increasing compensation of certain county officials** (original same as H. B. No. 2887) - Introduced 3/15/13 - To Government Organization then Finance
- *542. By Sen. Snyder, Kessler (Mr. President), Barnes, Blair, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Kirkendoll, Laird, Miller, Unger and Yost - **Relating to restricted races at pari-mutuel thoroughbred horse racetracks** (original similar to H. B. No. 3084 and H. B. No. 3091) - Introduced 3/15/13 - To Judiciary

then Finance - Com. sub. reported 3/26/13 - 2nd reference dispensed - Passed Senate 3/29/13 - To House 4/1/13 - To Judiciary - Passed House 4/11/13 - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 85, Acts, Regular Session, 2013

- *543. By Sen. Snyder and Stollings - **Allowing Legislative Auditor establish application review fee schedule** - Introduced 3/15/13 - To Government Organization - Com. sub. reported 3/27/13 - Passed Senate 4/1/13 - Effective from passage - To House 4/2/13 - To Government Organization
- *544. By Sen. Snyder and Stollings - **Scheduling departmental performance reviews** - Introduced 3/15/13 - To Government Organization - Com. sub. reported 3/20/13 - Passed Senate 3/25/13 - To House 3/26/13 - To Government Organization - Passed House 4/11/13 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 123, Acts, Regular Session, 2013
545. By Sen. Facemire, Edgell, Green, Kirkendoll, Snyder, Tucker, Kessler (Mr. President) and D. Hall - **Authorizing excess election contributions be used to pay previous campaign debt or loans** - Introduced 3/15/13 - To Judiciary
546. By Sen. Green, Unger, Williams, D. Hall and Beach - **Requiring appointment of State Superintendent of Schools be with advice and consent of Senate** - Introduced 3/15/13 - To Education then Judiciary
547. By Sen. Barnes - **Authorizing circuit and magistrate courts place surcharge on bail bonds to offset regional jail costs** (original same as S. B. No. 530 - similar to H. B. No. 3070) - Introduced 3/15/13 - To Judiciary then Finance
548. By Sen. Barnes - **Requiring county commission be advised before discharging certain county employees** (original similar to H. B. No. 3024 and S. B. No. 529) - Introduced 3/15/13 - To Government Organization then Judiciary
549. By Sen. Barnes, Blair, Boley, Sypolt and Carmichael - **Providing WV will not participate in REAL ID Act of 2005** (original similar to H. B. No. 2871) - Introduced 3/15/13 - To Transportation and Infrastructure then Government Organization
550. By Sen. Cole, Fitzsimmons, D. Hall, Kirkendoll, Miller, Nohe, Walters, Kessler (Mr. President) and Unger - **Relating to motor vehicle valuation for ad valorem property tax purposes** (original same as H. B. No. 2812 - similar to H. B. No. 3058) - Introduced 3/15/13 - To Transportation and Infrastructure then Finance
551. By Sen. Miller, Barnes, Beach, Cookman, Fitzsimmons, Jenkins, Kirkendoll, Laird, McCabe, Snyder, Wells, Williams, Yost, Unger and Stollings - **Applying solar**

- energy tax credit to each system installation; extending credit date** (original same as H. B. No. 2875) - Introduced 3/18/13 - To Economic Development then Finance - To Finance 3/21/13
552. By Sen. Tucker, Chafin, Nohe, Palumbo, Sypolt, Wells, McCabe, Fitzsimmons, Plymale and Stollings - **Creating Uniform Real Property Electronic Recording Act** (original similar to H. B. No. 2971) - Introduced 3/18/13 - To Interstate Cooperation then Judiciary - On 2nd reading to Judiciary 3/27/13 - Passed Senate 4/1/13 - To House 4/2/13 - To Finance
- *553. By Sen. Beach, McCabe, Miller and Stollings - **Relating to Highway Design-Build Program** - Introduced 3/18/13 - To Transportation and Infrastructure then Finance - Com. sub. reported 3/20/13 - To Finance 3/20/13 - Com. sub. for com. sub. reported 3/27/13 - Passed Senate 4/1/13 - Effective from passage - To House 4/2/13 - To Finance - Passed House 4/11/13 - Effective from passage - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 98, Acts, Regular Session, 2013
554. By Sen. Carmichael and Blair - **Creating Intermediate Court of Appeals** (original similar to H. B. No. 3130) - Introduced 3/18/13 - To Judiciary then Finance
555. By Sen. Carmichael, Sypolt and Blair - **Creating loser-pays civil justice system** - Introduced 3/18/13 - To Judiciary
- *556. By Sen. Williams, Beach, Cann, Cole, Green, Jenkins, Kirkendoll, Snyder, Sypolt and Stollings - **Relating to broadband deployment projects** (original same as H. B. No. 2979) - Introduced 3/18/13 - To Transportation and Infrastructure then Government Organization - Com. sub. reported 3/28/13 - On 2nd reading to Government Organization 3/28/13
- *557. By Sen. Yost, Kessler (Mr. President), Fitzsimmons and Stollings - **Continuing Preventive Care Pilot Program** - Introduced 3/18/13 - To Government Organization - Com. sub. reported 3/27/13 - Passed Senate 4/1/13 - Effective from passage - To House 4/2/13 - To Health and Human Resources then Government Organization - To House Government Organization - Amended - Passed House 4/11/13 - Title amended - Effective from passage - Senate concurred in House amendment and passed bill 4/12/13 - Effective from passage - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 90, Acts, Regular Session, 2013
558. By Sen. Walters, Barnes, Blair, Boley, Carmichael, Cole, M. Hall, Nohe, Sypolt, Cookman and Stollings - **Exempting certain military service members from training course requirement for concealed weapons license** (original similar to H. B. No. 2561) - Introduced 3/18/13 - To Military then Judiciary

559. By Sen. Palumbo, Cookman, Stollings, Fitzsimmons and Miller - **Expanding circuit court jurisdiction over certain juvenile status offenders** - Introduced 3/18/13 - To Judiciary
560. By Sen. Palumbo, McCabe, Wells, Walters, D. Hall, Unger, Beach, Williams and Stollings - **Relating to WV Research Trust Fund** (original same as H. B. No. 2864 - similar to H. B. No. 3162) - Introduced 3/18/13 - To Education then Finance
561. By Sen. Williams, Unger, Sypolt and Miller - **Establishing Tucker County Cultural District Authority** - Introduced 3/18/13 - To Government Organization - Passed Senate 4/2/13 - Effective from passage - To House 4/3/13 - To Political Subdivisions then Government Organization - To House Government Organization - Passed House 4/11/13 - Effective from passage - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 212, Acts, Regular Session, 2013
562. By Sen. D. Hall, Chafin, Green, Miller, Tucker, Fitzsimmons and Stollings - **Decreasing student-to-teacher ratio and increasing pay for certain aides** (original similar to H. B. No. 2221) - Introduced 3/18/13 - To Education then Finance
- *563. By Sen. Palumbo and Snyder - **Excluding jewelry platinum, gold, silver and palladium from definition of "scrap metal"** - Introduced 3/18/13 - To Judiciary - Com. sub. reported 3/26/13 - Passed Senate 3/29/13 - To House 4/1/13 - To Judiciary
- *564. By Sen. Snyder - **Increasing minimum construction cost of municipal public works project before competitive bidding is required** - Introduced 3/19/13 - To Government Organization - Com. sub. reported 3/27/13 - Passed Senate 4/1/13 - To House 4/2/13 - To Political Subdivisions then Judiciary - To House Judiciary - Amended - Passed House 4/13/13 - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/30/13 - Chapter 137, Acts, Regular Session, 2013
- *565. By Sen. Snyder (By Request) - **Creating reverse auction pilot program for purchasing office supplies** - Introduced 3/19/13 - To Government Organization - Com. sub. reported 3/21/13 - Passed Senate 3/26/13 - Effective July 1, 2013 - To House 3/27/13 - To Government Organization then Judiciary - To House Judiciary - Died On 2nd reading, Special Calendar
566. By Sen. Snyder - **Permitting certain municipalities opt into rate regulation by PSC** - Introduced 3/19/13 - To Government Organization then Judiciary
567. By Sen. Walters and D. Hall - **Defining "no significant additional fiscal burden" in minimum criteria for certificate of need reviews** (original same as H. B. No.

- 3155 - similar to H. B. No. 3049) - Introduced 3/19/13 - To Health and Human Resources then Government Organization
568. By Sen. Palumbo, Cookman, Stollings, Unger, Yost, Plymale, Fitzsimmons, McCabe and Miller - **Allowing certain expelled students participate in Juvenile Drug Court** - Introduced 3/19/13 - To Education then Judiciary
- *569. By Sen. Green, McCabe, Beach, Williams, Miller and D. Hall - **Requiring appointment of State Fire Marshal be with advice and consent of Senate** - Introduced 3/19/13 - To Government Organization then Judiciary - Com. sub. reported 3/27/13 - 2nd reference dispensed - Passed Senate 4/1/13 - Effective from passage - To House 4/2/13 - To Government Organization then Judiciary
- *570. By Sen. Beach, Miller, D. Hall and Wells - **Cleaning up outdated language in code relating to elections** (original similar to H. B. No. 2965) - Introduced 3/19/13 - To Judiciary - Com. sub. reported 3/22/13 - Passed Senate 3/27/13 - Effective from passage - To House 3/28/13 - To Judiciary
571. By Sen. D. Hall and Green - **Extending time Oceana City Council can meet as levying body** - Introduced 3/19/13 - To Government Organization - Constitutional rule suspended - Passed Senate 3/22/13 - Effective from passage - To House 3/25/13 - To Political Subdivisions then Finance - To House Finance - Constitutional Rule dispensed - Passed House 4/5/13 - Effective from passage - To Governor 4/15/13 - Approved by Governor 4/17/13 - Chapter 211, Acts, Regular Session, 2013
572. By Sen. Cookman - **Relating to claims against counties, school districts or municipalities** (original similar to S. B. No. 625) - Introduced 3/19/13 - To Government Organization
573. By Sen. Cookman - **Relating to publication of financial statements by county boards of education** - Introduced 3/19/13 - To Education
574. By Sen. Kessler (Mr. President), Beach, Chafin, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Laird, Miller, Snyder, Stollings, Unger, Yost, Plymale, Cookman and Wells - **Creating WV Buy American Act of 2013** (original same as H. B. No. 3076) - Introduced 3/20/13 - To Government Organization then Finance
- *575. By Sen. McCabe, Edgell, Walters, Wells, Kessler (Mr. President), Unger and Miller - **Relating to county boards of education funding of public libraries** (original similar to H. B. No. 3111 and S. B. No. 528) - Introduced 3/20/13 - To Education then Finance - Com. sub. reported 3/28/13 - To Finance 3/28/13

576. By Sen. Jenkins, McCabe, Kessler (Mr. President), Plymale, Chafin and D. Hall - **Transferring moneys from Unclaimed Property Trust Fund to Municipal Pensions and Protection Fund** - Introduced 3/20/13 - To Pensions then Finance - To Finance 3/25/13
577. By Sen. Beach, Blair, Cann, Carmichael, Cole, Cookman, Edgell, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Prezioso, Snyder, Tucker, Unger, Walters, Wells, Williams, Yost, Stollings, Kessler (Mr. President) and Plymale - **Allowing special needs students to participate in graduation ceremonies** (original similar to H. B. No. 3059) - Introduced 3/20/13 - To Education
578. By Sen. Beach and Plymale - **Requiring proof of insurance for motor vehicle registration** (original similar to H. B. No. 2990) - Introduced 3/20/13 - To Transportation and Infrastructure then Judiciary - On 2nd reading to Judiciary 3/27/13
- *579. By Sen. Beach, Miller and D. Hall - **Updating code relating to absentee and early in-person voting** (original same as H. B. No. 2980) - Introduced 3/20/13 - To Judiciary - Com. sub. reported 3/27/13 - Passed Senate 4/1/13 - To House 4/2/13 - To Judiciary
- *580. By Sen. Stollings - **Relating generally to practice of dentistry** (original similar to H. B. No. 2750) - Introduced 3/20/13 - To Health and Human Resources then Government Organization - On 2nd reading to Government Organization 3/28/13 - Com. sub. reported 4/1/13 - Passed Senate 4/3/13 - Effective from passage - To House 4/4/13 - To Health and Human Resources - Amended - Passed House 4/10/13 - Title amended - Senate refused to concur in House amendment 4/12/13 - House refused to recede and requested conference 4/12/13 - To conference 4/12/13 - Senate adopted conference report and passed bill 4/13/13 - House adopted conference report and passed bill 4/13/13 - Effective ninety days from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 150, Acts, Regular Session, 2013
581. By Sen. Kirkendoll, Kessler (Mr. President), Beach, Barnes and Fitzsimmons - **Relating to certain civil action filing fees** (original similar to H. B. No. 2776) - Introduced 3/20/13 - To Judiciary then Finance
582. By Sen. Palumbo, Carmichael, Cole, Cookman, M. Hall, Jenkins, Stollings, Tucker and Williams - **Implementing terms of Uniform Arbitration Act** (original same as H. B. No. 3079) - Introduced 3/20/13 - To Interstate Cooperation then Judiciary - On 2nd reading to Judiciary 3/27/13 - Passed Senate 4/2/13 - Effective July 1, 2013 - To House 4/3/13 - To Judiciary

- *583. By Sen. Kirkendoll - **Extending time limit for payment of transfer costs to EMS Retirement System** - Introduced 3/20/13 - To Pensions then Finance - Com. sub. reported 3/25/13 - To Finance 3/25/13
- *584. By Sen. Cann, Green, Wells, Walters, Palumbo, Laird, Miller, Tucker, Snyder, Kessler (Mr. President), Kirkendoll, Stollings, Cookman, Plymale and Fitzsimmons - **Creating Pretrial Release Program** - Introduced 3/20/13 - To Judiciary - Com. sub. reported 3/21/13 - Passed Senate 3/26/13 - To House 3/27/13 - To Judiciary
585. By Sen. Palumbo, Cookman and Kessler (Mr. President) - **Maintaining residential rental property in habitable condition** (original similar to H. B. No. 2449) - Introduced 3/20/13 - To Judiciary
- *586. By Sen. Plymale, Prezioso, Snyder and Beach - **Relating to licensure of barbers and cosmetologists** (original same as H. B. No. 3125) - Introduced 3/21/13 - To Government Organization then Education - Com. sub. reported 3/28/13 - 2nd reference dispensed - Amended - Passed Senate 4/2/13 - Effective from passage - To House 4/3/13 - To Education - Amended - Passed House 4/12/13 - Effective from passage - Senate concurred in House amendment and passed bill 4/13/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 153, Acts, Regular Session, 2013
587. By Sen. Palumbo, Jenkins, McCabe, Prezioso and Stollings - **Adopting several liability in tortious conduct actions** - Introduced 3/21/13 - To Judiciary
588. By Sen. Yost, Kessler (Mr. President), Edgell, Unger and Fitzsimmons - **Requiring bonding for residential construction projects** (original similar to S. B. No. 150) - Introduced 3/21/13 - To Labor then Judiciary
589. By Sen. Kessler (Mr. President), Cookman, Jenkins, Nohe, Palumbo, Williams, Tucker, Fitzsimmons and Plymale - **Establishing ethical standards for court reporters** (original same as hb 2938) - Introduced 3/21/13 - To Judiciary
590. By Sen. Beach, Kessler (Mr. President), Edgell, Tucker and Williams - **Relating to sale of certain beer, wine and liquor** (original same as H. B. No. 3022) - Introduced 3/21/13 - To Judiciary then Finance
591. By Sen. Carmichael - **Creating WV Infrastructure Emergency Response Act of 2013** (original similar to H. B. No. 3801) - Introduced 3/21/13 - To Judiciary then Finance
592. By Sen. Tucker, Palumbo, Kessler (Mr. President) and Plymale - **Removing requirement Physicians' Mutual Insurance Company be nonprofit corporation**

- Introduced 3/21/13 - To Banking and Insurance then Judiciary - To Judiciary 3/26/13 - Passed Senate 4/1/13 - Effective from passage - To House 4/2/13 - To Judiciary then Finance
593. By Sen. Stollings, Prezioso, McCabe, Kessler (Mr. President) and Palumbo - **Increasing excise tax on cigarettes and tobacco products** (original similar to H. B. No. 3138) - Introduced 3/21/13 - To Health and Human Resources then Finance
- *594. By Sen. Kessler (Mr. President) - **Establishing Court of Claims procedure for unjust arrest, conviction or imprisonment claims** - Introduced 3/21/13 - To Judiciary - Com. sub. reported 3/29/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary
595. By Sen. Miller, Beach and Stollings - **Permitting surface owners to purchase delinquent mineral interests** (original same as H. B. No. 2947 - similar to H. B. No. 2313) - Introduced 3/21/13 - To Government Organization then Judiciary
596. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Determining grant awards for Chesapeake Bay and Greenbrier River watershed compliance projects** (original same as H. B. No. 3026) - Introduced 3/21/13 - To Government Organization then Finance - 2nd reference dispensed - Passed Senate 3/29/13 - Effective from passage - To House 4/1/13 - To Finance - Passed House 4/12/13 - Title amended - Effective from passage - Senate concurred in House title amendment 4/13/13 - Passed Senate 4/13/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 206, Acts, Regular Session, 2013
597. By Sen. Unger - **Permitting county boards of education to sell advertising on school bus exteriors** - Introduced 3/22/13 - To Government Organization then Education
598. By Sen. Kirkendoll, Snyder, Williams, Stollings and Plymale - **Qualifying certain NPDES permit holders for Environmental Quality Board membership** (original same as H. B. No. 2571) - Introduced 3/22/13 - To Government Organization then Judiciary
599. By Sen. Edgell, Miller, Kirkendoll, Green, Unger and Kessler (Mr. President) - **Expanding number of hours temporary state personnel may work** (original same as H. B. No. 3028) - Introduced 3/22/13 - To Labor then Government Organization - To Government Organization 3/27/13 - Passed Senate 4/3/13 - Effective from passage - To House 4/4/13 - To Finance

600. By Sen. Yost, Edgell, Barnes, Facemire and Cann - **Establishing one-time audit cost amnesty program for local governments with delinquent audit costs** (original same as H. B. No. 2851) - Introduced 3/22/13 - To Government Organization then Finance
601. By Sen. Cookman, Walters and Stollings - **Relating generally to juvenile offenders** - Introduced 3/22/13 - To Judiciary - Passed Senate 4/1/13 - To House 4/2/13 - To Judiciary - Amended - Passed House 4/13/13 - Title amended - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 4/26/13 - Approved by Governor 4/29/13 - Chapter 20, Acts, Regular Session, 2013
602. By Sen. Yost and Fitzsimmons - **Authorizing DOH increase gross weight limitations on certain Brooke County roads** - Introduced 3/22/13 - To Transportation and Infrastructure then Government Organization
603. By Sen. Walters, Palumbo and Wells - **Relating to licensed school psychologist-to-pupil ratio** - Introduced 3/22/13 - To Education then Finance
- *604. By Sen. Kessler (Mr. President) and Fitzsimmons - **Expanding definition of "electioneering communication"** - Introduced 3/22/13 - To Judiciary - Com. sub. reported 3/27/13 - Passed Senate 4/1/13 - To House 4/2/13 - To Judiciary - Passed House 4/12/13 - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 75, Acts, Regular Session, 2013
605. By Sen. Edgell, Facemire, Prezioso and Plymale - **Eliminating duplicative reporting requirements on imported cigarettes** (original same as H. B. No. 2992) - Introduced 3/22/13 - To Judiciary
606. By Sen. Cookman, Tucker, Laird, D. Hall, Carmichael, Walters, Plymale and Kessler (Mr. President) - **Awarding attorney fees in certain workers' compensation medical treatment cases** (original same as H. B. No. 3069) - Introduced 3/22/13 - To Judiciary then Finance
607. By Sen. Wells - **Prohibiting certain noncompetition clauses in broadcast industry employee contracts** - Introduced 3/22/13 - To Judiciary
608. By Sen. Walters - **Relating to animal protection in shelters** - Introduced 3/22/13 - To Judiciary
609. By Sen. Laird, Cookman, Miller, Snyder, Stollings, Wells, Yost, Plymale, Fitzsimmons and Jenkins - **Implementing responsible parent program pilot project** (original same as H. B. No. 3087 - similar to H. B. No. 2809 and S. B. No. 494) - Introduced 3/22/13 - To Judiciary

- *610. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Renaming Industrial Home for Youth as Salem Correctional Center; placing Salem and Parkersburg correctional centers under Division of Corrections** (original same as H. B. No. 3086) - Introduced 3/22/13 - To Government Organization - Com. sub. reported 3/28/13 - Recommitted to Government Organization on 3rd reading 4/3/13
611. By Sen. Snyder, Kirkendoll, Tucker, Chafin, Palumbo, Wells, Nohe and Sypolt - **Updating Uniform Common Interest Ownership Act** (original same as H. B. No. 3101) - Introduced 3/22/13 - To Judiciary
612. By Sen. Barnes - **Prohibiting certain public employee retirants from being reemployed within one year of retirement** - Introduced 3/22/13 - To Pensions then Government Organization
613. By Sen. Barnes - **Reclassifying buprenorphine as Schedule III controlled substance** - Introduced 3/22/13 - To Judiciary
614. By Sen. Barnes and McCabe - **Allowing local option election to permit Sunday hunting on private property** - Introduced 3/22/13 - To Natural Resources then Judiciary
- *615. By Sen. Kessler (Mr. President) - **Amending table game license renewal fee for pari-mutuel racetracks** - Introduced 3/22/13 - To Judiciary then Finance - Com. sub. reported 3/29/13 - On 2nd reading to Finance 3/29/13 - Amended - Passed Senate with amended title 4/3/13 - Effective July 1, 2013 - To House 4/4/13 - To Judiciary then Finance
616. By Sen. McCabe - **Integrating interests in horizontal shallow oil or gas well drilling units** (original same as H. B. No. 3151) - Introduced 3/22/13 - To Energy, Industry and Mining then Judiciary
617. By Sen. Carmichael - **Increasing DUI criminal penalties; Andrea's Law** (original same as H. B. No. 3074) - Introduced 3/22/13 - To Judiciary
618. By Sen. Carmichael - **Creating Tax Revenue Act of 2013** - Introduced 3/22/13 - To Finance
619. By Sen. Carmichael - **Relating to disqualification for unemployment benefits as result of strike** - Introduced 3/22/13 - To Labor then Judiciary
620. By Sen. Snyder - **Requiring state agencies, boards, commissions and entities give tests regionally** - Introduced 3/22/13 - To Government Organization

621. By Sen. Miller, Laird and Snyder - **Requiring Bureau for Public Health prepare impact statement assessing impact of any new air or water rule proposed by DEP** (original same as H. B. No. 3089) - Introduced 3/22/13 - To Judiciary then Finance
622. By Sen. Kessler (Mr. President), Green, Kirkendoll, Barnes, Cann, Facemire, Miller, D. Hall, Boley, Carmichael, Chafin, Edgell, Fitzsimmons, M. Hall, Stollings, Sypolt, Tucker, Walters, Wells, Williams, Yost, Unger, McCabe, Palumbo and Jenkins - **Providing WVU and MU boards of governors additional authority and flexibility** - Introduced 3/22/13 - To Education then Finance
623. By Sen. Plymale, Chafin, Cole, Stollings, Cookman, Cann and Jenkins - **Relating to funding for probation officers to address truancy** - Introduced 3/22/13 - To Education then Finance - To Finance 3/27/13 - Passed Senate 4/2/13 - Effective July 1, 2013 - To House 4/3/13 - To Education - Amended - Passed House 4/12/13 - Title amended - Effective July 1, 2013 - Senate refused to concur in House amendment 4/13/13 - House refused to recede and requested conference 4/13/13 - To conference 4/13/13
- *624. By Sen. Palumbo, Cookman, Stollings, Barnes, Kessler (Mr. President) and Fitzsimmons - **Adjusting penalties for willful failure to pay child support** - Introduced 3/22/13 - To Judiciary - Com. sub. reported 3/28/13 - Passed Senate 4/2/13 - To House 4/3/13 - To Judiciary
625. By Sen. Plymale - **Relating to payment of claims against counties, school districts or municipalities** (original similar to S. B. No. 572) - Introduced 3/22/13 - To Government Organization
626. By Sen. Miller - **Creating criminal offense for law-enforcement or EMS personnel creating visual portrayal of certain victims** - Introduced 3/25/13 - To Government Organization then Judiciary
627. By Sen. Beach, Laird, Unger and Williams - **Requiring certain post-mining land use reclamation utilize Clements State Tree Nursery** - Introduced 3/25/13 - To Natural Resources then Judiciary - To Judiciary 3/27/13
- *628. By Sen. Plymale, Kessler (Mr. President), Chafin, Jenkins, Cann, D. Hall, Miller and Cookman - **Authorizing Supreme Court establish pilot program to appoint probation officers to address truancy** - Introduced 3/25/13 - To Judiciary then Finance - Com. sub. reported 3/28/13 - On 2nd reading to Finance 3/28/13
629. By Sen. Facemire, Kessler (Mr. President) and Plymale - **Limiting liability of landowners, operators and contractors in water pollution abatement projects**

- Introduced 3/25/13 - To Energy, Industry and Mining then Judiciary - To Judiciary 3/27/13
- *630. By Sen. Unger - **Relating to Chief Technology Officer's duties with regard to security of government information** (original same as H. B. No. 3090) - Introduced 3/25/13 - To Government Organization - Com. sub. reported 3/28/13 - Passed Senate 4/2/13 - Effective from passage - To House 4/3/13 - To Government Organization then Judiciary - To House Judiciary - Passed House 4/13/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 200, Acts, Regular Session, 2013
631. By Sen. Unger and McCabe - **Providing bonding authority to Affordable Housing Trust Fund** - Introduced 3/25/13 - To Judiciary then Finance - On 2nd reading to Finance 3/27/13
632. By Sen. Green, Cann, D. Hall and Stollings - **Creating emergency generators tax credit for certain businesses** - Introduced 3/25/13 - To Economic Development then Finance
633. By Sen. Chafin, Kessler (Mr. President), Edgell, Green, D. Hall, M. Hall, Laird, Miller and Plymale - **Relating to residential community waivers for salvage yard establishment** - Introduced 3/25/13 - To Government Organization then Judiciary
634. By Sen. Chafin - **Imposing tax on telecommunications businesses to benefit Division of Tourism's promotion and maintenance of outdoor activities** - Introduced 3/25/13 - To Economic Development then Finance
635. By Sen. Cole and Chafin - **Permitting landlord to terminate lease on multitenant commercial property under certain circumstances** (original same as H. B. No. 3039) - Introduced 3/25/13 - To Judiciary
636. By Sen. Laird - **Limiting amount municipalities can receive from certain speeding violation fines** (original same as H. B. No. 2860) - Introduced 3/25/13 - To Government Organization then Judiciary
637. By Sen. M. Hall, Barnes and Carmichael - **Limiting medical monitoring in civil actions concerning hazardous or toxic substances** - Introduced 3/25/13 - To Judiciary
- *638. By Sen. Prezioso and Plymale - **Terminating certain severance tax exemption for production of natural gas or oil** (original same as H. B. No. 2962) - Introduced 3/25/13 - To Energy, Industry and Mining then Finance - To Finance

3/27/13 - Com. sub. reported 3/28/13 - Passed Senate 4/2/13 - Effective July 1, 2013 - To House 4/3/13 - Reference dispensed - Amended on 3rd reading - Passed House 4/5/13 - Effective July 1, 2013 - Senate concurred in House amendment and passed bill 4/8/13 - Effective July 1, 2013 - To Governor 4/15/13 - Approved by Governor 4/18/13 - Chapter 188, Acts, Regular Session, 2013

639. By Sen. M. Hall - **Prohibiting state resident from being joined with nonresident as defendant in certain civil actions** - Introduced 3/25/13 - To Judiciary
640. By Sen. Fitzsimmons, Cookman, Walters, Yost, Unger and Plymale - **Revising definition of "obscene matter" to contain specific matter harmful to minors** - Introduced 3/25/13 - To Judiciary
641. By Sen. Fitzsimmons, Palumbo, Tucker, Yost and Williams - **Increasing compensation caps for family court secretary-clerks and case coordinators** (original similar to H. B. No. 3096) - Introduced 3/25/13 - To Judiciary then Finance
642. By Sen. Carmichael - **Relating to requirement of professional engineer serving on sanitary board** - Introduced 3/25/13 - To Government Organization then Judiciary
- *643. By Sen. Unger, Kessler (Mr. President) and Laird - **Relating to crime victim compensation awards** (original same as H. B. No. 3112) - Introduced 3/25/13 - To Judiciary then Finance - Com. sub. reported 3/28/13 - On 2nd reading to Finance 3/28/13
644. By Sen. Barnes, Carmichael and Wells - **Creating WV Public Competitive Learning Academies Act of 2013** - Introduced 3/25/13 - To Education then Finance
645. By Sen. Facemire and Cann - **Relating to fair and equitable property valuation** - Introduced 3/25/13 - To Judiciary then Finance
646. By Sen. Palumbo, Prezioso, Fitzsimmons, Cookman, McCabe and Plymale - **Creating felony offense for DUI causing death** - Introduced 3/25/13 - To Transportation and Infrastructure then Judiciary
647. By Sen. Wells and Jenkins - **Allowing WV Military Authority receive funds from special revenue accounts** - Introduced 3/25/13 - To Government Organization then Finance
648. By Sen. Plymale, Chafin, Jenkins, Cann and Stollings - **Providing students financial aid for certain degrees in return for state service commitment** -

- Introduced 3/25/13 - To Education then Finance - On 2nd reading to Finance 3/28/13
649. By Sen. Edgell, Facemire and Prezioso - **Requiring certain tobacco product manufacturers not participating in Tobacco Master Settlement Agreement to post bond** (original same as H. B. No. 3003) - Introduced 3/25/13 - To Finance
650. By Sen. Williams, Chafin and Plymale - **Updating code language relating to electronic voting systems** (original same as H. B. No. 3135) - Introduced 3/25/13 - To Judiciary
651. By Sen. Walters - **Allowing state agencies to keep portion of surplus funds for employee bonuses** - Introduced 3/25/13 - To Government Organization then Finance
652. By Sen. Snyder, Jenkins, Boley and Tucker - **Requiring criminal background checks for home inspector applicants** (original same as H. B. No. 3137) - Introduced 3/25/13 - To Government Organization - Passed Senate with amended title 4/1/13 - Effective from passage - To House 4/2/13 - To Judiciary - Amended - Passed House 4/13/13 - Effective from passage - Senate concurred in House amendment and passed bill 4/13/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 99, Acts, Regular Session, 2013
653. By Sen. Kessler (Mr. President), Unger, Plymale, Snyder, Prezioso, Edgell, Palumbo, Facemire, Cann, Jenkins, Williams and Stollings - **Establishing job creation work groups** (original same as H. B. No. 3013) - Introduced 3/25/13 - To Economic Development - Recommitted to Economic Development 3/28/13
654. By Sen. Miller, D. Hall, Cann, Green, Laird and Jenkins - **Increasing salaries of Division of Corrections' employees** (original same as H. B. No. 2074) - Introduced 3/25/13 - To Government Organization then Finance
655. By Sen. Beach - **Creating Safe and Efficient Parkways Act** (original same as H. B. No. 2785) - Introduced 3/25/13 - To Transportation and Infrastructure then Finance
- *656. By Sen. Snyder, Fitzsimmons, Yost, Prezioso and Stollings - **Establishing special study committee to assess problems facing gaming industry** - Introduced 3/25/13 - To Judiciary - Com. sub. reported 4/1/13 - Passed Senate 4/3/13 - Effective from passage - To House 4/4/13 - To Judiciary
657. By Sen. Laird, Wells, Beach, Miller, Jenkins and D. Hall - **Providing school social workers salary supplement and education reimbursement for achieving national certification** - Introduced 3/25/13 - To Education then Finance

658. By Sen. Stollings and Plymale - **Extending time for Madison City Council to meet as levying body** - Introduced 3/25/13 - To Government Organization - Constitutional rule suspended - Passed Senate 3/27/13 - Effective from passage - To House 3/28/13 - To Political Subdivisions then Government Organization - To House Government Organization - Passed House 4/11/13 - Effective from passage - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 210, Acts, Regular Session, 2013
659. By Sen. Beach, Sypolt, Boley, D. Hall, Green, Williams and Kessler (Mr. President) - **Requiring National Flood Insurance Program State Coordinator establish permit fees for certain project applications** (original same as H. B. No. 3124) - Introduced 3/25/13 - To Government Organization
660. By Sen. Unger, Kessler (Mr. President) and Fitzsimmons - **Limiting health insurance coverage for elective abortions to supplemental policies** (original similar to H. B. No. 3081, H. B. No. 3136 and S. B. No. 405) - Introduced 3/25/13 - To Banking and Insurance then Judiciary
661. By Sen. Walters and Stollings - **Creating TANF pilot program to promote educational achievement** - Introduced 3/25/13 - To Judiciary then Finance
662. By Sen. Miller, Williams, Beach, Cann, Carmichael, Cookman, D. Hall, Laird, Nohe, Sypolt and Tucker (Originating in Senate Agriculture and Rural Development) - **Establishing cap for collections into Department of Agriculture's land division special revenue account** - Introduced 3/26/13 - Referred to Finance 3/26/13
663. By Sen. Unger, Edgell, Cookman, Laird, Miller, Palumbo, Plymale, Prezioso, Stollings, M. Hall and Barnes (Originating in Senate Select Committee on Children and Poverty) - **Creating WV Feed to Achieve Act** - Introduced 3/27/13 - Passed Senate 3/29/13 - Effective from passage - To House 4/1/13 - To Education - Amended - Passed House 4/12/13 - Title amended - Effective from passage - Senate concurred in House amendment and passed bill 4/13/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 83, Acts, Regular Session, 2013
664. By Sen. Prezioso, Facemire, Chafin, Edgell, Green, Laird, McCabe, Plymale, Stollings, Unger, Wells, Yost, Barnes, Blair, Boley, M. Hall and Sypolt (Originating in Senate Finance) - **Decreasing appropriations of public moneys in State Fund, General Revenue** - Introduced 4/1/13 - Passed Senate 4/3/13 - Effective from passage - To House 4/4/13 - To Finance - Amended - Passed House 4/12/13 - Effective from passage - Senate concurred in House amendment and passed bill 4/13/13 - Effective from passage - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 13, Acts, Regular Session, 2013

665. By Sen. Prezioso, Facemire, Chafin, Edgell, Green, Laird, McCabe, Plymale, Stollings, Unger, Wells, Yost, Barnes, Blair, Boley, M. Hall and Sypolt (Originating in Senate Finance) - **Expiring funds from State Fund, General Revenue, and making supplementary appropriation to Attorney General and DHHR, Consolidated Medical Service Fund** - Introduced 4/9/13 - Passed Senate 4/12/13 - Effective from passage - To House 4/13/13 - Died on Unfinished Business, House Calendar

ALL SENATE JOINT RESOLUTIONS OFFERED

1. By Sen. Sypolt - **Proposing constitutional amendment designated Marriage Protection Amendment** (original similar to H. J. R. No. 10 and H. J. R. No. 34) - Introduced 2/13/13 - To Judiciary then Finance
2. By Sen. Sypolt, Blair, Jenkins and Unger - **Proposing constitutional amendment designated Homestead Exemption Increase Amendment** (original similar to H. J. R. No. 11, H. J. R. No. 16, H. J. R. No. 17, H. J. R. No. 21, H. J. R. No. 23, H. J. R. No. 31 and H. J. R. No. 9) - Introduced 2/13/13 - To Judiciary then Finance
3. By Sen. Sypolt and Blair - **Proposing constitutional amendment designated Initiative, Referendum and Recall Amendment** (original similar to H. J. R. No. 13 and H. J. R. No. 27) - Introduced 2/13/13 - To Judiciary then Finance
4. By Sen. Sypolt - **Proposing constitutional amendment designated Veto Session Amendment** (original similar to SJR 9) - Introduced 2/13/13 - To Judiciary then Finance
5. By Sen. Barnes - **Proposing constitutional amendment designated Religious Freedom Guaranteed Amendment** - Introduced 2/18/13 - To Judiciary then Finance
6. By Sen. Snyder, Unger, Cookman, Miller and Stollings - **Proposing constitutional amendment designated Homestead Exemption Calculation Amendment** (original similar to hjr 22) - Introduced 2/26/13 - To Judiciary then Finance
7. By Sen. Chafin and Plymale - **Proposing constitutional amendment designated Simple Majority Approval Amendment** (original same as H. J. R. No. 29 - similar to H. J. R. No. 30) - Introduced 3/1/13 - To Judiciary then Finance
8. By Sen. Unger, Snyder, Cookman, Miller and Laird - **Proposing constitutional amendment designated Nonpartisan Election of State Board of Education Amendment** (original similar to H. J. R. No. 35) - Introduced 3/14/13 - To Judiciary then Finance

9. By Sen. Wells - **Proposing constitutional amendment designated Organization of Houses of the Legislature Amendment** (original similar to SJR 4) - Introduced 3/22/13 - To Judiciary then Finance
10. By Sen. Wells - **Proposing constitutional amendment designated Veto Session Amendment** - Introduced 3/22/13 - To Judiciary then Finance

ALL SENATE CONCURRENT RESOLUTIONS OFFERED

1. By Sen. Kessler (Mr. President), Unger and M. Hall - **Adopting joint rules of Senate and House** - Introduced 1/9/13 - Committee reference dispensed - Adopted by Senate 1/9/13 - To House 1/9/13 - Reference dispensed - Adopted by House 1/9/13
2. By Sen. Kessler (Mr. President), Prezioso and M. Hall - **Authorizing payment of supplies, services, printing and other expenses** - Introduced 1/9/13 - Committee reference dispensed - Adopted by Senate 1/9/13 - To House 1/9/13 - Reference dispensed - Adopted by House 1/9/13
3. By Sen. Stollings and Kirkendoll - **Requesting DOH name bridge in Boone County "Army Sergeant Junior Elwood Dunlap Memorial Bridge"** - Introduced 2/20/13 - Adopted by Senate 2/27/13 - To House 2/28/13 - To Rules - To House Rules 2/28/13 - Adopted by House 3/8/13
4. By Sen. Stollings, Green, D. Hall and Kirkendoll - **Requesting DOH name bridge in Boone County "James 'Eddie' Mooney Memorial Bridge"** - Introduced 2/20/13 - Adopted by Senate 2/27/13 - To House 2/28/13 - To Rules - To House Rules 2/28/13 - Adopted by House 3/8/13
- *5. By Sen. Yost and Edgell - **Requesting DOH name bridge in Wetzel County "Army Sgt. Norman R. Cunningham Memorial Bridge"** - Introduced 2/20/13 - Com. sub. reported 2/27/13 - Adopted by Senate 2/28/13 - To House 3/1/13 - To Rules - To House Rules 3/1/13 - Amended - Adopted by House 3/8/13 - Senate concurred in House amendment and adopted resolution 3/11/13
6. By Sen. Kirkendoll, Beach, Cann, Chafin, Cole, Edgell, D. Hall, Jenkins, McCabe, Miller, Plymale, Stollings, Kessler (Mr. President), Unger and Yost - **Requesting DOH name bridge in Wayne County "Wayne County Veterans Memorial Bridge"** - Introduced 2/21/13 - Adopted by Senate 2/27/13 - To House 2/28/13 - To Rules - To House Rules 2/28/13 - Adopted by House 3/8/13
7. By Sen. Unger, D. Hall, Yost, Fitzsimmons, Beach, Tucker and Williams - **Designating Hall Flintlock Model 1819 official state firearm** - Introduced

2/22/13 - Adopted by Senate 3/15/13 - To House 3/18/13 - To Rules - To House Rules 3/18/13 - Adopted by House 4/4/13

- *8. By Sen. Laird, Miller and Unger - **Requesting DOH name portion of Route 38 in Fayette County "Sizemore Moran Veterans Memorial Road"** - Introduced 2/25/13 - Com. sub. reported 3/13/13 - Adopted by Senate 3/13/13 - To House 3/14/13 - To Rules - To House Rules 3/14/13 - Adopted by House 3/29/13
9. By Sen. Stollings, Kirkendoll and Unger - **Requesting DOH name bridge in Boone County "Naval Chief Boatswain Fred L. Byrnside and Army Captain Dora Jo Chambers Byrnside Memorial Bridge"** - Introduced 2/25/13 - Adopted by Senate 3/7/13 - To House 3/8/13 - To Rules - To House Rules 3/8/13 - Adopted by House 4/4/13
- *10. By Sen. Stollings, Kirkendoll and Unger - **Requesting DOH name bridge in Lincoln County "Shelton Topping Bridge"** - Introduced 2/25/13 - Com. sub. reported 3/13/13 - Adopted by Senate 3/13/13 - To House 3/14/13 - To Rules - To House Rules 3/14/13 - Adopted by House 4/12/13
11. By Sen. Stollings, Kirkendoll and Unger - **Requesting DOH name portion of State Route 214 "Army Pvt. Parker Meikle Memorial Road"** - Introduced 2/25/13 - Adopted by Senate 3/7/13 - To House 3/8/13 - To Rules - To House Rules 3/8/13 - Adopted by House 4/5/13
12. By Sen. Stollings, Kirkendoll and Unger - **Requesting DOH name section of Lick Creek Road in Boone County "PFC Randall Bruce Miller Memorial Road"** - Introduced 2/25/13 - Adopted by Senate 3/7/13 - To House 3/8/13 - To Rules - To House Rules 3/8/13 - Adopted by House 4/5/13
- *13. By Sen. Cann, Facemire, Williams, Chafin and McCabe - **Requesting DOH name bridge in Lewis County "J. Cecil Jarvis Memorial Bridge"** - Introduced 2/28/13 - Com. sub. reported 3/13/13 - Adopted by Senate 3/13/13 - To House 3/14/13 - To Rules - To House Rules 3/14/1 - Adopted by House 4/4/13
14. By Sen. Cann, Barnes, Cookman, Facemire, McCabe, Tucker, Williams and Stollings - **Requesting DOH name portion of State Route 20 in Upshur County "Thomas B. Dunn Memorial Highway"** - Introduced 3/1/13 - Adopted by Senate 3/13/13 - To House 3/14/13 - To Rules - To House Rules 3/14/13 - Adopted by House 3/28/13
- *15. By Sen. Kirkendoll, Stollings, Beach and Plymale - **Requesting DOH name Logan County Route 5/12 "Army Private First Class Troy Franklin Tomblin Memorial Highway"** - Introduced 3/4/13 - Com. sub. reported 3/13/13 - Adopted

- by Senate 3/13/13 - To House 3/14/13 - To Rules - To House Rules 3/14/13 - Adopted by House 4/12/13
16. By Sen. Kirkendoll, Stollings, Unger and Green - **Requesting DOH name County Route 5/07 in Logan County "Army PFC James Edward Workman Memorial Road"** - Introduced 3/6/13 - Adopted by Senate 3/13/13 - To House 3/14/13 - To Rules - To House Rules 3/14/13 - Adopted by House 4/11/13
 17. By Sen. Barnes, Cookman, Tucker, Stollings, Unger and Plymale - **Requesting DOH name bridge in Randolph County "Army Captain Bernard Francis Jones Memorial Bridge"** - Introduced 3/7/13 - Adopted by Senate 3/25/13 - To House 3/26/13 - To Rules - To House Rules 3/26/13 - Adopted by House 4/11/13
 - *18. By Sen. Chafin, Yost, Green and Stollings - **Requesting DOH name portion of State Route 20 in Wyoming County "David and Janet Lee Memorial Highway"** - Introduced 3/11/13 - Com. sub. reported 4/1/13 - Adopted by Senate 4/1/13 - To House 4/2/13 - To Rules - To House Rules 4/2/13 - Adopted by House 4/5/13
 19. By Sen. Walters, Carmichael, Cole, Fitzsimmons, McCabe, Palumbo, Snyder, Sypolt, Wells, Yost, Kessler (Mr. President), Unger and Stollings - **Requesting DOH name bridge in Kanawha County "U. S. Army Sgt. Archie W. Searls Memorial Bridge"** - Introduced 3/12/13 - Adopted by Senate 3/25/13 - To House 3/26/13 - To Rules - To House Rules 3/26/13 - Adopted by House 4/11/13
 - *20. By Sen. Chafin, Yost, Kessler (Mr. President), Unger, Stollings and D. Hall - **Requesting DOH name portion of State Route 80 in McDowell County "Army PFC Phill G. McDonald Memorial Highway"** - Introduced 3/12/13 - Com. sub. reported 3/29/13 - Adopted by Senate 3/29/13 - To House 4/1/13 - To Rules - To House Rules 4/1/13 - Adopted by House 4/12/13
 21. By Sen. Kirkendoll, Stollings, Unger and Plymale - **Requesting DOH name bridge in Logan County "Navy Lieutenant, Junior Grade, Edsel Carl Varney Memorial Bridge"** - Introduced 3/14/13 - Adopted by Senate 3/25/13 - To House 3/26/13 - To Rules - To House Rules 3/26/13 - Adopted by House 4/11/13
 - *22. By Sen. McCabe, Palumbo, Walters, Wells, Unger and Stollings - **Requesting DOH name bridge in Kanawha County "Joseph Albert 'Joey' King, Jr., Memorial Bridge"** - Introduced 3/18/13 - Com. sub. reported 3/29/13 - Adopted by Senate 3/29/13 - To House 4/1/13 - To Rules - To House Rules 4/1/13 - Adopted by House 4/11/13
 23. By Sen. D. Hall, Chafin, Green, Unger, Cole and Stollings - **Requesting DOH name bridge in Wyoming County "Reverend Edward and Mary Mullins**

- Memorial Bridge**" - Introduced 3/18/13 - Adopted by Senate 3/29/13 - To House 4/1/13 - To Rules - To House Rules 4/1/13 - Adopted by House 4/11/13
24. By Sen. Palumbo, Chafin, Stollings, Unger, McCabe and Wells - **Requesting DOH name portion of U. S. Route 60 in Kanawha County "Lou Tabit Highway"** - Introduced 3/19/13 - Adopted by Senate 3/29/13 - To House 4/1/13 - To Rules - To House Rules 4/1/13 - Adopted by House 4/11/13
25. By Sen. Unger - **Requesting Joint Committee on Government and Finance study distributed electricity generation technologies** - Introduced 3/20/13 - To Judiciary then Rules - To Judiciary 3/21/13
26. By Sen. Kessler (Mr. President), Stollings, Yost, Fitzsimmons and Wells - **Supporting commitments made to Patriot Coal employees** - Introduced 3/21/13 - To Judiciary 3/22/13
27. By Sen. Miller, Laird, Wells and Beach - **Designating "My Home Among the Hills" official state song** - Introduced 3/21/13 - To Government Organization 3/22/13
28. By Sen. Stollings, Edgell, Kirkendoll and Beach - **Requesting DNR study making Upper Mud River Wildlife Management and Recreation Area a state park** - Introduced 3/22/13 - Adopted by Senate 4/13/13 - To House 4/13/13 - Reference dispensed - Adopted by House 4/13/13
- *29. By Sen. Wells, McCabe, Palumbo, Walters and Stollings - **Requesting DOH name bridge number 20-64-54.37 "Army Cpl. Kenneth R. Hess Bridge"** - Introduced 3/22/13 - Com. sub. reported 3/29/13 - Adopted by Senate 3/29/13 - To House 4/1/13 - To Rules - To House Rules 4/1/13 - Adopted by House 4/12/13
30. By Sen. D. Hall, Green and Stollings - **Requesting DOH name bridge in Wyoming County "Army SP4 Jackie (Hearn) McMillion Memorial Bridge"** - Introduced 3/22/13 - Adopted by Senate 3/29/13 - To House 4/1/13 - To Rules - To House Rules 4/1/13 - Adopted by House 4/12/13
31. By Sen. Kessler (Mr. President), Edgell, Beach and Plymale - **Requesting DOH place signs at Tyler County line reading "Home of the 2011 FFA National Champions"** - Introduced 3/22/13 - To Transportation and Infrastructure 3/25/13
32. By Sen. Beach and Williams - **Requesting DOH name bridge in Monongalia County "U. S. Army and Air National Guard Col. Garry L. Bowers-Ices Ferry Bridge"** - Introduced 3/25/13 - Adopted by Senate 3/29/13 - To House 4/1/13 - To Rules - To House Rules 4/1/13 - Adopted by House 4/12/13

33. By Sen. Unger and Stollings - **Requesting Joint Committee on Government and Finance study safety, roles and responsibilities of the WV Deputy Sheriff Reserve** - Introduced 3/26/13 - To Judiciary then Rules - To Judiciary 3/27/13
34. By Sen. Chafin, Stollings, Plymale, Jenkins and Cole - **Requesting DOH name bridge in Wayne County "Mavis Granny Castle Bridge"** - Introduced 3/26/13 - Adopted by Senate 3/29/13 - To House 4/1/13 - To Rules - To House Rules 4/1/13 - Adopted by House 4/5/13
35. By Sen. Miller, Williams, Beach, Cann, Cookman, D. Hall, Laird, Tucker, Carmichael, Nohe and Sypolt (Originating in Senate Agriculture and Rural Development) - **Requesting Joint Committee on Government and Finance study aging watershed dams and channels** - Introduced 3/26/13 - Referred to Rules 3/26/13 - Adopted by Senate 4/11/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13
36. By Sen. Boley, Barnes, Blair, Carmichael, Cole, M. Hall, Nohe, Sypolt and Walters - **Requesting Joint Committee on Government and Finance study impact of Common Core State Standards on public education** - Introduced 4/1/13 - To Education then Rules - To Education 4/2/13
- *37. By Sen. Williams, Stollings, Sypolt, Tucker and Cookman - **Requesting DOH name bridge in Hardy County "Army 1SG Boyd 'Doc' Slater Memorial Bridge"** - Introduced 4/2/13 - Com. sub. reported 4/9/13 - Adopted by Senate 4/10/13 - To House 4/10/13 - To Rules - To House Rules 4/10/13 - Adopted by House 4/13/13
38. By Sen. Beach, Stollings and Plymale - **Requesting Joint Committee on Government and Finance study Moving Ahead for Progress in 21st Century program** - Introduced 4/2/13 - To Transportation and Infrastructure then Rules - To Rules 4/9/13 - Adopted by Senate 4/11/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13
39. By Sen. Chafin, Blair, Carmichael, Cole, Green, D. Hall, McCabe, Miller, Walters, Stollings and Unger - **Requesting Joint Committee on Government and Finance study tax system** - Introduced 4/3/13 - To Finance then Rules - To Finance 4/4/13
40. By Sen. M. Hall, Barnes, Blair, Boley, Carmichael, Cole, Sypolt and Walters - **Requesting Joint Committee on Government and Finance study Taxpayer Bill of Rights** - Introduced 4/3/13 - To Finance then Rules - To Finance 4/4/13
41. By Sen. Williams and Green (Originating in Senate Economic Development) - **Requesting Joint Committee on Government and Finance study critical access**

- need for emergency electric generators** - Introduced 4/4/13 - Referred to Rules 4/4/13 - Adopted by Senate 4/11/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13
42. By Sen. Snyder, Cann, Cookman, Fitzsimmons, Kirkendoll, Williams, Yost, Blair, Boley, Cole and Sypolt (Originating in Senate Government Organization) - **Requesting Joint Committee on Government and Finance study state's purchasing process and procedures** - Introduced 4/4/13 - Referred to Rules 4/4/13 - Adopted by Senate 4/12/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13
43. By Sen. Snyder, Cann, Cookman, Fitzsimmons, Kirkendoll, Williams, Yost, Blair, Boley, Cole and Sypolt (Originating in Senate Government Organization) - **Requesting Joint Committee on Government and Finance study feasibility of regional testing for examinations by state agencies, boards, commissions and entities** - Introduced 4/4/13 - Referred to Rules 4/4/13
44. By Sen. Williams, Laird, Unger, Kessler (Mr. President), D. Hall, Snyder, Jenkins, McCabe and Stollings - **Requesting Joint Committee on Government and Finance study safeguarding older West Virginians against abuse, fraud and financial exploitation** - Introduced 4/9/13 - To Judiciary then Rules - To Judiciary 4/10/13
45. By Sen. Tucker, Fitzsimmons, Chafin, Facemire, D. Hall, Jenkins, McCabe, Palumbo, Prezioso, Nohe and Walters (Originating in Senate Banking and Insurance) - **Requesting Joint Committee on Government and Finance study financial solvency of volunteer and part-volunteer fire departments** - Introduced 4/9/13 - Referred to Rules 4/9/13
46. By Sen. Miller, Williams, Beach, Cann, Carmichael, Cookman, D. Hall, Laird, Nohe, Sypolt and Tucker (Originating in Senate Agriculture and Rural Development) - **Requesting Joint Committee on Government and Finance study distribution of power to rural communities** - Introduced 4/9/13 - Referred to Rules 4/9/13
47. By Sen. Miller, Williams, Beach, Cann, Carmichael, Cookman, D. Hall, Laird, Nohe, Sypolt and Tucker (Originating in Senate Agriculture and Rural Development) - **Requesting Joint Committee on Government and Finance study cultivation of meat processing industry** - Introduced 4/9/13 - Referred to Rules 4/9/13
48. By Sen. Unger, Edgell, Cookman, Laird, Miller, Palumbo, Stollings and M. Hall (Originating in Senate Select Committee on Children and Poverty) - **Requesting**

- Joint Committee on Government and Finance study availability of affordable housing** - Introduced 4/9/13 - Referred to Rules 4/9/13 - Adopted by Senate 4/11/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13
49. By Sen. M. Hall, Blair, Boley, Carmichael, Cole, Nohe, Sypolt, Stollings and McCabe - **Requesting Joint Committee on Government and Finance study impact of Limited Video Lottery Act on children and poverty** - Introduced 4/10/13 - To Select Committee on Children and Poverty then Rules - To Select Committee on Children and Poverty 4/11/13
50. By Sen. Stollings (Originating in Senate Health and Human Resources) - **Requesting Joint Committee on Government and Finance study abuse deterrent formulations for opioid medications** - Introduced 4/10/13 - Referred to Rules 4/10/13 - Adopted by Senate 4/12/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13
51. By Sen. Stollings (Originating in Senate Health and Human Resources) - **Requesting Joint Committee on Government and Finance study needs, challenges and issues facing senior citizens in finding personal care services** - Introduced 4/10/13 - Referred to Rules 4/10/13 - Adopted by Senate 4/11/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13
52. By Sen. Stollings (Originating in Senate Health and Human Resources) - **Requesting Joint Committee on Government and Finance study tobacco use** - Introduced 4/10/13 - Referred to Rules 4/10/13 - Adopted by Senate 4/12/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13
53. By Sen. Beach, Kirkendoll, Facemire, Fitzsimmons, McCabe, Plymale, Williams, Barnes and Cole (Originating in Senate Transportation and Infrastructure) - **Requesting Joint Committee on Government and Finance study disbursing portion of Turnpike tolls to host counties** - Introduced 4/10/13 - Referred to Rules 4/10/13
54. By Sen. Beach, Kirkendoll, Facemire, Fitzsimmons, McCabe, Plymale, Williams, Barnes and Cole (Originating in Senate Transportation and Infrastructure) - **Requesting Joint Committee on Government and Finance study consolidating definitions of "ATV" and similar vehicles for consistency in state code** - Introduced 4/10/13 - Referred to Rules 4/10/13
55. By Sen. Beach, Jenkins, Kirkendoll, Facemire, Fitzsimmons, McCabe, Plymale, Williams, Barnes and Cole (Originating in Senate Transportation and Infrastructure) - **Requesting Joint Committee on Government and Finance**

study consolidation of operations and functions of Parkways Authority within DOH - Introduced 4/10/13 - Referred to Rules 4/10/13

56. By Sen. Beach, Kirkendoll, Facemire, Fitzsimmons, McCabe, Plymale, Williams, Barnes and Cole (Originating in Senate Transportation and Infrastructure) - **Requesting Joint Committee on Government and Finance study proposed Safe and Efficient Transportation Act of 2013** - Introduced 4/10/13 - Referred to Rules 4/10/13
57. By Sen. Laird, Edgell, Beach, Cookman, Facemire, Green, McCabe, Prezioso, Snyder, Williams, M. Hall, Nohe and Walters (Originating in Senate Natural Resources) - **Requesting Joint Committee on Government and Finance study how to maintain State Park System** - Introduced 4/10/13 - Referred to Rules 4/10/13
58. By Sen. Laird, Edgell, Beach, Cookman, Facemire, Green, McCabe, Prezioso, Snyder, Williams, M. Hall, Nohe and Walters (Originating in Senate Natural Resources) - **Requesting Joint Committee on Government and Finance study laws pertaining to use of firearms for hunting and recreational shooting enthusiasts** - Introduced 4/10/13 - Referred to Rules 4/10/13
59. By Sen. Laird, Edgell, Beach, Cookman, Facemire, Green, McCabe, Prezioso, Snyder, Williams, M. Hall, Nohe and Walters (Originating in Senate Natural Resources) - **Requesting Joint Committee on Government and Finance study laws applying to electrical standards for boat docks and marinas to improve safety** - Introduced 4/10/13 - Referred to Rules 4/10/13
60. By Sen. Laird, Edgell, Beach, Cookman, Facemire, Green, McCabe, Prezioso, Snyder, Williams, M. Hall, Nohe and Walters (Originating in Senate Natural Resources) - **Requesting Joint Committee on Government and Finance study feasibility of DNR entering into lease agreements for hunting and other outdoor recreational opportunities** - Introduced 4/10/13 - Referred to Rules 4/10/13
61. By Sen. Snyder (Originating in Senate Government Organization) - **Requesting Joint Committee on Government and Finance study economic and community development challenges associated with abandoned and dilapidated structures** - Introduced 4/10/13 - Referred to Rules 4/10/13
62. By Sen. Facemire, Plymale, Kessler (Mr. President), Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost -

- Urging Army Corps of Engineers and Federal Highways Administration respect state land use planning processes** - Introduced 4/10/13 - Committee reference dispensed - Adopted by Senate 4/10/13 - To House 4/11/13 - To Rules - To House Rules 4/11/13
63. By Sen. Kirkendoll, Kessler (Mr. President), Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost - **Recognizing July 16 as "Atomic Veterans Day of Remembrance"** - Introduced 4/11/13 - To Military 4/12/13
64. By Sen. Chafin, Cole, Stollings, Unger and D. Hall - **Requesting DOH name portion of County Route 15 in Mercer County "River Road Music Heritage Trail"** - Introduced 4/11/13 - To Transportation and Infrastructure 4/12/13
65. By Sen. Stollings, Yost, Wells, Unger, Williams, Prezioso, Kessler (Mr. President), D. Hall, Jenkins, Tucker and Fitzsimmons - **Designating West Virginia as Purple Heart State** - Introduced 4/11/13 - To Government Organization 4/12/13
66. By Sen. D. Hall, Cann, Chafin, Facemire, Green, Kirkendoll, Snyder, Tucker, Stollings, Unger, Williams, Kessler (Mr. President), Wells and Plymale - **Requesting Joint Committee on Government and Finance study insurance rates** - Introduced 4/11/13 - To Rules 4/12/13
67. By Sen. D. Hall, Cann, Chafin, Facemire, Green, Kirkendoll, McCabe, Plymale, Snyder, Stollings, Tucker, Unger, Williams, Prezioso, Kessler (Mr. President), Wells, Cole, Carmichael and Jenkins - **Urging Congress support funding and completion of Coalfields Expressway and King Coal Highway** - Introduced 4/11/13 - To Transportation and Infrastructure 4/12/13
68. By Sen. Williams, Wells, Beach, Blair, Cann, Cookman, Kirkendoll, McCabe, Snyder, Stollings, Sypolt and Walters (Originating in Senate Economic Development) - **Requesting Joint Committee on Government and Finance study small business development** - Introduced 4/11/13 - Referred to Rules 4/11/13
69. By Sen. Williams, Cann, Beach, Blair, Cookman, Kirkendoll, McCabe, Snyder, Stollings, Sypolt, Walters and Wells (Originating in Senate Economic Development) - **Requesting Joint Committee on Government and Finance study West Virginia Project Launchpad Act** - Introduced 4/11/13 - Referred to Rules 4/11/13 - Adopted by Senate 4/12/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13

70. By Sen. Chafin, Stollings and Cole - **Requesting DOH name bridge near Wayne/Mingo county line "Nancy E. May Memorial Bridge"** - Introduced 4/12/13 - Died On Unfinished Business
71. By Sen. Snyder (Originating in Senate Government Organization) - **Requesting Joint Committee on Government and Finance study transferring EMT-mining training and certification program** - Introduced 4/12/13 - Referred to Rules 4/12/13
72. By Sen. Snyder and Miller (Originating in Senate Government Organization) - **Requesting Joint Committee on Government and Finance study methods to increase salaries of elected county officials** - Introduced 4/12/13 - Referred to Rules 4/12/13
73. By Sen. Snyder (Originating in Senate Government Organization) - **Requesting Joint Committee on Government and Finance study bail bonding industry** - Introduced 4/12/13 - Referred to Rules 4/12/13
74. Originating in Senate Education - **Requesting Joint Committee on Government and Finance study local funding of public libraries** - Introduced 4/12/13 - Referred to Rules 4/12/13
75. Originating in Senate Education - **Requesting Joint Committee on Government and Finance study privately-owned licensed residential facilities for certain school-aged children** - Introduced 4/12/13 - Referred to Rules 4/12/13
76. By Sen. Cann, Barnes, Facemire, Green, D. Hall, Kirkendoll, McCabe, Tucker, Walters, Wells, Yost and Williams - **Urging Congress to update Renewable Fuel Standard** - Introduced 4/13/13 - Committee reference dispensed - Adopted by Senate 4/13/13 - To House 4/13/13 - Reference dispensed - Adopted by House 4/13/13
77. By Sen. Unger and Williams - **Requesting Joint Committee on Government and Finance study alternative and renewable energy sources** - Introduced 4/13/13 - To Rules 4/13/13
78. By Sen. Snyder and Williams - **Requesting Joint Committee on Government and Finance study authorizing PSC to oversee Internet service providers** - Introduced 4/13/13 - To Rules 4/13/13
79. Originating in Senate Finance - **Requesting Joint Committee on Government and Finance study equalization of magistrate pay** - Introduced 4/13/13 - Adopted by Senate 4/13/13

ALL SENATE RESOLUTIONS OFFERED

1. By Sen. Unger - **Adopting rules of Senate** - Introduced 1/9/13 - Committee reference dispensed - Adopted 1/9/13
2. By Sen. Unger - **Raising committee to notify House Senate has organized** - Introduced 1/9/13 - Committee reference dispensed - Adopted 1/9/13
3. By Sen. Unger - **Raising committee to notify Governor Legislature has organized** - Introduced 1/9/13 - Committee reference dispensed - Adopted 1/9/13
4. By Sen. Prezioso - **Authorizing mailing of bills and journals** - Introduced 1/9/13 - Committee reference dispensed - Adopted 1/9/13
5. By Sen. Prezioso and Unger - **Authorizing appointment of 2013 session employees** - Introduced 1/9/13 - Committee reference dispensed - Adopted 1/9/13
6. By Sen. Unger, Kessler (Mr. President), Jenkins, Laird, Edgell, Stollings, Kirkendoll, Miller, McCabe and Beach - **Creating Select Committee on Children and Poverty** - Introduced 2/13/13 - Committee reference dispensed - Adopted 2/13/13
7. By Sen. Stollings, Laird, Jenkins, Snyder, Miller, D. Hall, Sypolt, Kirkendoll, McCabe, Beach and Williams - **Designating February 13, 2013, West Virginia Nurses Unity Day** - Introduced 2/13/13 - Committee reference dispensed - Adopted 2/13/13
8. By Sen. Laird, Miller, Unger, Yost, Fitzsimmons, Prezioso, Stollings, D. Hall, Jenkins, Beach and Palumbo - **Designating February 14, 2013, Corrections Day** - Introduced 2/14/13 - Committee reference dispensed - Adopted 2/14/13
9. By Sen. Sypolt, Williams, Fitzsimmons, Yost, Prezioso, Miller, D. Hall, Jenkins, Stollings, Beach and Palumbo - **Honoring Congressional Medal of Honor recipients** - Introduced 2/14/13 - Committee reference dispensed - Adopted 2/14/13
10. By Sen. Sypolt, Unger, Chafin, Miller, Wells, Plymale, Williams and Stollings - **Designating February 18, 2013, Preston County Day** - Introduced 2/18/13 - Committee reference dispensed - Adopted 2/18/13
11. By Sen. Wells, Unger, Kessler (Mr. President), Fitzsimmons, Chafin, Beach, Miller, Laird, Williams, Plymale, Snyder, Jenkins and Stollings - **Designating**

- February 18, 2013, Veterans Visibility Day** - Introduced 2/18/13 - Committee reference dispensed - Adopted 2/18/13
12. By Sen. McCabe, Wells, Palumbo, Walters, Plymale, Laird, Miller, Stollings and Williams - **Recognizing contributions of Clay Center for the Arts and Sciences** - Introduced 2/19/13 - Committee reference dispensed - Adopted 2/19/13
 13. By Sen. Plymale, Stollings, Kirkendoll, Unger, Green and Williams - **Recognizing Kendyl Ryan** - Introduced 2/19/13 - Committee reference dispensed - Adopted 2/19/13
 14. By Sen. Sypolt, Unger, Plymale, Fitzsimmons, Beach and Carmichael - **Designating February 19, 2013, West Virginia Home School Day** - Introduced 2/19/13 - Committee reference dispensed - Adopted 2/19/13
 15. By Sen. Plymale, Jenkins, Kessler (Mr. President), Unger, Snyder, Miller, Laird, Fitzsimmons, McCabe, D. Hall, Cole, Carmichael, Williams, Prezioso, Stollings and Chafin - **Designating February 20, 2013, Marshall University Day** - Introduced 2/20/13 - Committee reference dispensed - Adopted 2/20/13
 16. By Sen. Stollings, Kessler (Mr. President), Unger, Yost and Plymale - **Recognizing Blue Ridge Chapter of National Multiple Sclerosis Society** - Introduced 2/21/13 - Committee reference dispensed - Adopted 2/21/13
 17. By Sen. Plymale, Kessler (Mr. President), Unger, Yost, Stollings, Cole, Chafin and Jenkins - **Congratulating Wayne High School football team** - Introduced 2/21/13 - Committee reference dispensed - Adopted 2/21/13
 18. By Sen. D. Hall, Green, Kessler (Mr. President), Unger, Yost, Stollings, Cole and Plymale - **Congratulating Wyoming East Warriors baseball team** - Introduced 2/21/13 - Committee reference dispensed - Adopted 2/21/13
 19. By Sen. Unger, Kessler (Mr. President), Snyder, Plymale, Laird, Cookman, Williams and Stollings - **Recognizing Leadership Berkeley** - Introduced 2/25/13 - Committee reference dispensed - Adopted 2/25/13
 20. By Sen. Kessler (Mr. President), Jenkins, Unger, Yost, D. Hall, Stollings, Plymale, Prezioso, Miller, Laird, Beach, Fitzsimmons and McCabe - **Designating February 26, 2013, Community Action Day** - Introduced 2/26/13 - Committee reference dispensed - Adopted 2/26/13
 21. By Sen. Stollings, Kessler (Mr. President), Unger, Snyder, Jenkins, D. Hall, Laird, Prezioso, Williams and McCabe - **Designating February 27, 2013, Disability**

- Advocacy Day** - Introduced 2/27/13 - Committee reference dispensed - Adopted 2/27/13
22. By Sen. Facemire, Cann, Unger, Yost, Chafin, Miller, Plymale and Williams - **Congratulating Shinnston Little League All-Star Team** - Introduced 2/28/13 - Committee reference dispensed - Adopted 2/28/13
23. By Sen. Beach, D. Hall, Unger, Kessler (Mr. President), Stollings, Cann, Williams, Fitzsimmons, Prezioso, Plymale, McCabe, Wells and Miller - **Honoring victims and survivors of 1972 Blackville Mine Fire** - Introduced 3/1/13 - Committee reference dispensed - Adopted 3/1/13
- *24. By Sen. Snyder, Kessler (Mr. President), Beach, Cann, Edgell, Fitzsimmons, Green, Laird, McCabe, Miller, Tucker, Unger, Wells, Yost, Plymale, Palumbo and Williams - **Requesting Congress propose constitutional amendment overturning Citizens United v. Federal Election Commission ruling** - Introduced 3/5/13 - Com. sub. reported 4/9/13 - Amended - Adopted 4/10/13
25. By Sen. Kessler (Mr. President), Unger, Stollings, Yost, D. Hall, Jenkins, Laird, Snyder, McCabe, Prezioso, Green, Plymale, Williams and Fitzsimmons - **Designating March 6, 2013, "Women's Day"** - Introduced 3/6/13 - Committee reference dispensed - Adopted 3/6/13
26. By Sen. Palumbo, Unger, Kessler (Mr. President), Stollings, Yost, D. Hall, Jenkins, Laird, Snyder, Plymale, Green, Prezioso, McCabe, Williams and Fitzsimmons - **Designating March "American Red Cross Month"** - Introduced 3/6/13 - Committee reference dispensed - Adopted 3/6/13
27. By Sen. Cann, Facemire, Stollings, Kessler (Mr. President), Unger, D. Hall and Plymale - **Recognizing Southern Area Public Library** - Introduced 3/7/13 - Committee reference dispensed - Adopted 3/7/13
28. By Sen. Kessler (Mr. President), Unger, Yost, Miller, Laird, Plymale, McCabe, Wells, Fitzsimmons, Jenkins, Green, Williams and Stollings - **Designating March 11, 2013, Innovation and Entrepreneurship Day** - Introduced 3/11/13 - Committee reference dispensed - Adopted 3/11/13
29. By Sen. Unger, Snyder, Kessler (Mr. President), Miller, Laird, Plymale, McCabe, Green, Williams and Stollings - **Recognizing Leadership Jefferson** - Introduced 3/11/13 - Committee reference dispensed - Adopted 3/11/13
30. By Sen. Chafin, Unger, Yost, McCabe, Wells and Williams - **Congratulating St. Agnes School Lady Vikings basketball team** - Introduced 3/11/13 - Committee reference dispensed - Adopted 3/11/13

31. By Sen. Plymale, Yost, Kessler (Mr. President), Unger, Stollings and Jenkins - **Congratulating Huntington High School wrestling team** - Introduced 3/12/13 - Committee reference dispensed - Adopted 3/12/13
32. By Sen. Jenkins, Unger, Kessler (Mr. President), D. Hall, Stollings, Plymale and Williams - **Recognizing Huntington Prep basketball team** - Introduced 3/13/13 - Committee reference dispensed - Adopted 3/13/13
33. By Sen. Plymale, Unger, Kessler (Mr. President), Jenkins, Stollings and Williams - **Congratulating Cabell Midland High School boys' cross country team** - Introduced 3/13/13 - Committee reference dispensed - Adopted 3/13/13
34. By Sen. Beach, Unger, Kessler (Mr. President), Jenkins, Stollings, Plymale, Williams and Palumbo - **Recognizing truck drivers** - Introduced 3/13/13 - Committee reference dispensed - Adopted 3/13/13
35. By Sen. Palumbo, D. Hall, Jenkins, Stollings, Unger, Kessler (Mr. President), Yost, Snyder, Plymale, Wells, McCabe, Williams and Fitzsimmons - **Designating Thursday, March 14, 2013, Generation West Virginia Day** - Introduced 3/14/13 - Committee reference dispensed - Adopted 3/14/13
36. By Sen. Prezioso, Stollings, Unger, Kessler (Mr. President), Plymale, McCabe, Williams and Fitzsimmons - **Recognizing Affiliate Program of High Technology Foundation** - Introduced 3/14/13 - Committee reference dispensed - Adopted 3/14/13
37. By Sen. Cann, Kessler (Mr. President), Stollings, Unger, Williams, McCabe, D. Hall, Prezioso and Plymale - **Congratulating WV Golf Association** - Introduced 3/15/13 - Committee reference dispensed - Adopted 3/15/13
38. By Sen. Kessler (Mr. President), Unger, Fitzsimmons, Beach, Williams, Sypolt, Snyder, Wells, Stollings and Plymale - **Recognizing volunteers and staff at pregnancy care centers** - Introduced 3/18/13 - Committee reference dispensed - Adopted 3/18/13
39. By Sen. Wells, Walters, McCabe, Palumbo, Stollings, Kessler (Mr. President), Unger, Yost, Beach, Tucker, Plymale and D. Hall - **Designating March 19, 2013, West Virginia State University Day** - Introduced 3/19/13 - Committee reference dispensed - Adopted 3/19/13
40. By Sen. Kessler (Mr. President), Snyder, Stollings, Unger, Yost, Williams, Miller, Plymale, Prezioso, McCabe, Wells, Beach, Carmichael, Jenkins and Fitzsimmons - **Recognizing Toyota Motor Manufacturing, WV, Inc.** - Introduced 3/21/13 - Committee reference dispensed - Adopted 3/21/13

41. By Sen. Unger, Stollings, Kessler (Mr. President) and Williams - **Recognizing WV Campus Compact Student Advisory Board** - Introduced 3/21/13 - Committee reference dispensed - Adopted 3/21/13
42. By Sen. Boley, Stollings, Kessler (Mr. President), Unger, Williams, Miller, Plymale and Nohe - **Congratulating Maggie Drazba** - Introduced 3/21/13 - Committee reference dispensed - Adopted 3/21/13
43. By Sen. Plymale, Snyder, Stollings, Kessler (Mr. President), Unger, Yost, Williams, Miller, Prezioso, Wells, McCabe, Jenkins and Fitzsimmons - **Designating Thursday, March 21, 2013, Higher Education Day** - Introduced 3/21/13 - Committee reference dispensed - Adopted 3/21/13
44. By Sen. Beach, Prezioso, Kessler (Mr. President), Edgell, Williams, Sypolt, Plymale, Palumbo, McCabe, Wells, Yost, Snyder, Unger and Stollings - **Designating March 22, 2013, West Virginia University and West Virginia University Extension Day** - Introduced 3/22/13 - Committee reference dispensed - Adopted 3/22/13
45. By Sen. D. Hall, Green, Kessler (Mr. President), Unger, Laird, Williams, Miller, Plymale and Stollings - **Designating Monday, March 25, 2013, Wyoming County Day** - Introduced 3/25/13 - Committee reference dispensed - Adopted 3/25/13
46. By Sen. Cann, Kessler (Mr. President), Unger, Stollings, Plymale, Facemire and Williams - **Congratulating Bridgeport High School Lady Indians basketball team** - Introduced 3/26/13 - Committee reference dispensed - Adopted 3/26/13
47. By Sen. Kessler (Mr. President), Unger, Stollings, Plymale, Jenkins, Fitzsimmons and Williams - **Recognizing Society of Human Resource Management** - Introduced 3/26/13 - Committee reference dispensed - Adopted 3/26/13
48. By Sen. Kessler (Mr. President), Unger, Yost, Stollings, Jenkins, McCabe, Fitzsimmons, Cookman, Plymale and Prezioso - **Recognizing WV Association of Alcoholism and Drug Abuse Counselors and WV Certification Board of Addiction and Prevention Professionals** - Introduced 3/27/13 - Committee reference dispensed - Adopted 3/27/13
49. By Sen. Kessler (Mr. President), Stollings, Jenkins, Yost, Fitzsimmons, Wells, McCabe, D. Hall, Prezioso, Cookman and Plymale - **Designating March 28, 2013, WV Kids at Risk Day** - Introduced 3/28/13 - Committee reference dispensed - Adopted 3/28/13

50. By Sen. Kessler (Mr. President), Stollings, Yost, Fitzsimmons, Wells, Prezioso, Edgell, Plymale, Laird, McCabe, Kirkendoll, D. Hall, Unger, Snyder, Palumbo and Facemire - **Supporting commitments made to Patriot Coal employees** - Introduced 4/1/13 - Committee reference dispensed - Adopted 4/1/13
51. By Sen. Cann and Facemire - **Recognizing Salem International University** - Introduced 4/1/13 - Committee reference dispensed - Adopted 4/1/13
52. By Sen. Barnes, Kessler (Mr. President), Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost - **Memorializing life of Honorable Ursula Jae Spears** - Introduced 4/2/13 - Committee reference dispensed - Adopted 4/2/13
53. By Sen. Wells and Stollings - **Recognizing Josh Miller** - Introduced 4/2/13 - Committee reference dispensed - Adopted 4/2/13
54. By Sen. Beach, Stollings, Sypolt, Williams, Prezioso, Tucker, Cookman, Plymale and Fitzsimmons - **Congratulating WVU Rifle Team** - Introduced 4/2/13 - Committee reference dispensed - Adopted 4/2/13
55. By Sen. Miller, Laird, Stollings, Jenkins, Cole, Carmichael, D. Hall, Unger, Kessler (Mr. President), Yost, Williams, Plymale, McCabe and Fitzsimmons - **Recognizing WV School of Osteopathic Medicine** - Introduced 4/3/13 - Committee reference dispensed - Adopted 4/3/13
56. By Sen. Kessler (Mr. President), Stollings, Cann, Yost, Beach, Prezioso, Williams, Sypolt, Edgell, McCabe, Carmichael, Fitzsimmons, D. Hall, Jenkins, Wells and Unger - **Honoring Franklin D. Cleckley, former Justice of the WV Supreme Court of Appeals** - Introduced 4/4/13 - Committee reference dispensed - Adopted 4/4/13
57. By Sen. Prezioso, Stollings, Cann, Yost, Snyder, McCabe, Carmichael, Fitzsimmons, Beach, Williams, D. Hall, Jenkins, Wells and Unger - **Recognizing Honorable Gaston Caperton** - Introduced 4/4/13 - Committee reference dispensed - Adopted 4/4/13
58. By Sen. Green, D. Hall, Stollings, Yost, Prezioso, McCabe, Carmichael, Fitzsimmons, Beach, Williams, Jenkins, Wells and Unger - **Recognizing Citizens Conservation Corps** - Introduced 4/4/13 - Committee reference dispensed - Adopted 4/4/13

59. By Sen. Chafin, Kessler (Mr. President), Stollings, Williams, Cole, Carmichael and Unger - **Congratulating Tug Valley High School boys' basketball team** - Introduced 4/8/13 - Committee reference dispensed - Adopted 4/8/13
60. By Sen. Unger, Snyder, Kessler (Mr. President), Stollings, Williams, McCabe, Wells and Carmichael - **Designating April 8, 2013, Jefferson County Day** - Introduced 4/8/13 - Committee reference dispensed - Adopted 4/8/13
61. By Sen. Jenkins, Unger, Kessler (Mr. President), D. Hall, Williams, Wells and Stollings - **Congratulating Cabell Midland High School Show Choir** - Introduced 4/9/13 - Committee reference dispensed - Adopted 4/9/13
62. By Sen. Jenkins, D. Hall, Williams, Kessler (Mr. President), Unger, Stollings and Wells - **Congratulating Cabell Midland High School Marching Knights** - Introduced 4/9/13 - Committee reference dispensed - Adopted 4/9/13
63. By Sen. Kessler (Mr. President), Beach, Chafin, Cole, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Palumbo, Plymale, Snyder, Stollings, Tucker, Unger, Wells and McCabe - **Recognizing one hundredth year of Division of Highways** - Introduced 4/10/13 - Committee reference dispensed - Adopted 4/10/13
64. By Sen. Chafin, Cole, Stollings, Unger, Wells, Kessler (Mr. President) and Palumbo - **Congratulating Bluefield High School boys' basketball team** - Introduced 4/10/13 - Committee reference dispensed - Adopted 4/10/13
65. By Sen. Snyder, Stollings, Unger, Wells, Fitzsimmons, Kessler (Mr. President) and Palumbo - **Designating April 10, 2013, "Crime Victims Day at the Legislature"** - Introduced 4/10/13 - Committee reference dispensed - Adopted 4/10/13
66. By Sen. Wells, Kessler (Mr. President), Stollings, Unger, Prezioso, Williams, D. Hall, Jenkins and McCabe - **Recognizing sister-state relationship with Republic of China (Taiwan)** - Introduced 4/12/13 - Committee reference dispensed - Adopted 4/12/13
67. Originating in Senate Rules - **Authorizing Senate Committee on Confirmations meet and be paid for interims between regular sessions of Eighty-First Legislature** - Introduced 4/12/13 - Adopted 4/12/13
68. By Sen. Barnes and Tucker - **Recognizing importance of Corridor H** - Introduced 4/12/13 - Committee reference dispensed - Adopted 4/12/13
69. By Sen. Kirkendoll, Kessler (Mr. President), Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D.

Hall, M. Hall, Jenkins, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost - **Recognizing July 16 as "Atomic Veterans Day of Remembrance"** - Introduced 4/13/13 - Committee reference dispensed - Adopted 4/13/13

70. By Sen. Unger - **Raising committee to notify House of Delegates Senate is ready to adjourn sine die** - Introduced 4/17/13 - Committee reference dispensed - Adopted 4/17/13
71. By Sen. Unger - **Raising committee to notify Governor Legislature is ready to adjourn sine die** - Introduced 4/17/13 - Committee reference dispensed - Adopted 4/17/13

SENATE BILLS PASSED SENATE AND COMMUNICATED TO HOUSE

10. By Sen. Jenkins and Plymale - **Permitting independent initiation of disciplinary proceedings by certain licensing boards** - Introduced 2/13/13 - To Government Organization then Judiciary - To Judiciary 3/20/13 - Amended - Passed Senate with amended title 3/27/13 - Effective July 1, 2013 - To House 3/28/13 - To Government Organization then Judiciary - To House Judiciary 4/2/13
- *11. By Sen. Stollings, Jenkins and Beach - **Relating to schedules of controlled substances** - Introduced 2/13/13 - To Health and Human Resources then Judiciary - Com. sub. reported 3/13/13 - To Judiciary 3/13/13 - Com. sub. for com. sub. reported 3/20/13 - Passed Senate 3/25/13 - To House 3/26/13 - To Health and Human Resources then Judiciary
- *27. By Sen. Stollings, Jenkins, Laird and Kessler (Mr. President) - **Relating to administration of opioid antidote in emergency situations** - Introduced 2/13/13 - To Health and Human Resources then Judiciary - To Judiciary 3/13/13 - Com. sub. reported 3/15/13 - Passed Senate 3/20/13 - To House 3/21/13 - To Health and Human Resources then Judiciary - To House Judiciary 4/3/13
- *47. By Sen. Williams, Miller, Sypolt and Beach - **Creating General Livestock Trespass Law** - Introduced 2/13/13 - To Agriculture and Rural Development then Judiciary - To Judiciary 2/19/13 - Com. sub. reported 2/28/13 - Passed Senate 3/5/13 - To House 3/6/13 - To Agriculture then Judiciary
52. By Sen. Plymale, Jenkins and Stollings - **Relating to Rural Health Initiative Act** - Introduced 2/13/13 - To Education then Finance - To Finance 2/22/13 - Passed Senate 3/29/13 - To House 4/1/13 - To Health and Human Resources then Finance - To House Finance 4/3/13

- *76. By Sen. Facemire - **Permitting certain voters who have moved to vote for President and Vice President** - Introduced 2/13/13 - To Judiciary - Com. sub. reported 2/21/13 - Passed Senate 2/26/13 - To House 2/27/13 - To Judiciary
- *90. By Sen. Miller, Jenkins, Yost, Unger, Fitzsimmons and Beach - **Creating felony offense of DUI causing death or serious bodily injury** - Introduced 2/13/13 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 3/28/13 - On 2nd reading to Judiciary 3/28/13 - Com. sub. for com. sub. reported 4/1/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary
- *98. By Sen. Cann, Stollings, McCabe, Williams and Green - **Creating Shale Research, Education, Policy and Economic Development Center at WVU** - Introduced 2/13/13 - To Education then Finance - Com. sub. reported 3/27/13 - To Finance 3/27/13 - Passed Senate 4/2/13 - To House 4/3/13 - To Education then Finance
- *116. By Sen. Jenkins and McCabe - **Relating to crimes against property involving graffiti** (original similar to H. B. No. 2156) - Introduced 2/13/13 - To Judiciary - Com. sub. reported 2/15/13 - Passed Senate 2/20/13 - To House 2/21/13 - To Judiciary then Finance - Motion to dispense second reference - To House Finance 4/8/13
- *117. By Sen. Jenkins - **Creating criminal offense of possession of burglar's tools** - Introduced 2/13/13 - To Judiciary - Com. sub. reported 3/29/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary
118. By Sen. Jenkins, Fitzsimmons, McCabe and Williams - **Creating I Support Veterans license plate and license plate for fallen law-enforcement officers next-of-kin** - Introduced 2/13/13 - To Transportation and Infrastructure then Finance - To Finance 3/14/13 - Amended on 3rd reading - Passed Senate with amended title 4/3/13 - To House 4/4/13 - To Roads and Transportation then Finance
125. By Sen. Beach, Prezioso, Kessler (Mr. President), Unger, Sypolt, Snyder, Yost, Stollings, Williams, Edgell, Miller, Kirkendoll, Plymale and McCabe - **Permitting Monongalia County Commission to levy special district excise tax** (original similar to S. B. No. 81) - Introduced 2/13/13 - To Government Organization then Finance - To Finance 2/21/13 - Passed Senate 3/11/13 - Effective from passage - To House 3/12/13 - To Judiciary then Finance - To House Finance - Amended - Died On 3rd reading, House Calendar
- *139. By Sen. Yost - **Regulating certain purchases of precious metals and gems** - Introduced 2/13/13 - To Judiciary - Com. sub. reported 3/5/13 - Constitutional rule suspended - Passed Senate 3/7/13 - To House 3/8/13 - To Judiciary

157. By Sen. Beach - **Exempting certain nonresidents from Class D license requirement** (original same as H. B. No. 2493) - Introduced 2/14/13 - To Transportation and Infrastructure then Judiciary - To Judiciary 3/7/13 - Passed Senate 3/29/13 - To House 4/1/13 - To Roads and Transportation then Judiciary - To House Judiciary 4/10/13
- *159. By Sen. Tucker, Chafin, Nohe, Palumbo, Sypolt and Wells - **Creating Uniform Real Property Transfer on Death Act** (original same as H. B. No. 2488) - Introduced 2/14/13 - To Judiciary - Com. sub. reported 3/12/13 - Passed Senate 3/15/13 - To House 3/18/13 - To Finance
- *187. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Creating Jobs Impact Statement Act** (original same as H. B. No. 2507 - similar to H. B. No. 2844 and S. B. No. 39) - Introduced 2/15/13 - To Economic Development then Finance - Com. sub. reported 3/14/13 - To Finance 3/14/13 - Com. sub. for com. sub. reported 3/21/13 - Passed Senate 3/26/13 - To House 3/27/13 - To Judiciary
- *191. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to increasing maximum aggregate funding to Revenue Shortfall Reserve Fund** (original same as H. B. No. 2509) - Introduced 2/15/13 - To Finance - Com. sub. reported 3/27/13 - Passed Senate 4/1/13 - Effective July 1, 2013 - To House 4/2/13 - To Finance
- *201. By Sen. Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley and M. Hall - **Permitting expedited partner therapy** (original same as H. B. No. 2523 and S. B. No. 40) - Introduced 2/18/13 - To Health and Human Resources then Judiciary - Com. sub. reported 3/8/13 - To Judiciary 3/8/13 - Com. sub. for com. sub. reported 3/19/13 - Passed Senate 3/22/13 - To House 3/25/13 - To Health and Human Resources then Judiciary - To House Judiciary 4/3/13
- *324. By Sen. Stollings and Beach - **Allowing boards licensing persons engaging in manufacture, distribution or dispensing controlled substances set fees by legislative rule** (original similar to H. B. No. 2573) - Introduced 2/20/13 - To Government Organization then Finance - Com. sub. reported 3/14/13 - To Finance 3/14/13 - Com. sub. for com. sub. reported 3/28/13 - Passed Senate 4/2/13 - To House 4/3/13 - To Government Organization then Judiciary - To House Judiciary 4/5/13
- *326. By Sen. Plymale, Prezioso, Laird, Miller, Unger, Wells, Boley, Beach and Tucker - **Establishing appropriation request process for higher education system** (original same as H. B. No. 2566) - Introduced 2/20/13 - To Education then

Finance - Com. sub. reported 3/6/13 - To Finance 3/6/13 - Amended - Passed Senate 4/2/13 - Effective from passage - To House 4/3/13 - To Finance

338. By Sen. Palumbo, Beach, Kirkendoll, Tucker, Williams, Nohe and McCabe - **Relating to liability of possessor of real property for harm to trespasser** (original same as H. B. No. 2582) - Introduced 2/21/13 - To Judiciary - Passed Senate 3/5/13 - Effective from passage - To House 3/6/13 - To Judiciary
- *341. By Sen. Miller, Williams, Laird, Nohe and D. Hall - **Relating to livestock fencing and trespassing** - Introduced 2/21/13 - To Agriculture and Rural Development then Judiciary - Com. sub. reported 3/5/13 - To Judiciary 3/5/13 - Com. sub. for com. sub. reported 3/19/13 - Passed Senate 3/22/13 - To House 3/25/13 - To Agriculture then Judiciary
- *347. By Sen. Snyder, Miller, Green, Sypolt, Unger and Fitzsimmons - **Requiring Public Employees Grievance Board and Division of Personnel provide training seminars to certain persons** (original same as H. B. No. 2607) - Introduced 2/22/13 - To Government Organization then Judiciary - To Judiciary 3/7/13 - Com. sub. reported 4/1/13 - Amended - Passed Senate 4/3/13 - To House 4/4/13 - To Government Organization then Judiciary - To House Judiciary 4/8/13
- *353. By Sen. Unger - **Establishing First Informer Broadcasters Act** - Introduced 2/22/13 - To Government Organization - Com. sub. reported 3/13/13 - Passed Senate 3/18/13 - Effective July 1, 2013 - To House 3/18/13 - To Veterans' Affairs and Homeland Security then Judiciary
354. By Sen. Plymale, Kessler (Mr. President), Cann, Stollings, Fitzsimmons, Tucker and McCabe - **Requiring study on alternative revenue sources for funding state roads** - Introduced 2/22/13 - To Transportation and Infrastructure - Referred to Finance 3/26/13 - Amended - Passed Senate 4/1/13 - To House 4/2/13 - To Roads and Transportation then Finance - To House Finance 4/8/13
- *363. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Implementing purchasing reforms** (original same as H. B. No. 2715) - Introduced 2/25/13 - To Government Organization then Finance - Com. sub. reported 3/27/13 - On 2nd reading to Finance 3/27/13 - Passed Senate 4/3/13 - Effective from passage - To House 4/4/13 - To Finance
- *365. By Sen. Kessler (Mr. President), Chafin, Laird, Miller and Stollings - **Relating to certain criminal conviction expungement** - Introduced 2/25/13 - To Judiciary - Com. sub. reported 3/29/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary

368. By Sen. Cookman and Plymale - **Clarifying certain criminal conviction constitutes basis for voiding marriage** - Introduced 2/25/13 - To Judiciary - Passed Senate 3/15/13 - To House 3/18/13 - To Judiciary
- *372. By Sen. Laird, Beach, Miller, Prezioso, Unger, Stollings, Plymale, Cann, Fitzsimmons, Jenkins and Williams - **Creating criminal offense for interfering with emergency service call** - Introduced 2/26/13 - To Judiciary - Com. sub. reported 3/8/13 - Passed Senate 3/13/13 - To House 3/14/13 - To Judiciary then Finance - To House Finance 4/8/13
- *378. By Sen. D. Hall, Kessler (Mr. President), Cann, Edgell, Facemire, Green, Unger, Williams, Fitzsimmons and Plymale - **Adjusting population line for calculating certain magistrate and staff salaries** (original same as H. B. No. 2549) - Introduced 2/27/13 - To Judiciary then Finance - Com. sub. reported 3/27/13 - On 2nd reading to Finance 3/27/13 - Com. sub. for com. sub. reported 4/1/13 - Passed Senate 4/3/13 - Effective from passage - To House 4/4/13 - To Government Organization then Judiciary then Finance
- *384. By Sen. Cookman, Stollings, Unger, Plymale and Palumbo - **Increasing certified legal education credits required for court-appointed attorneys in juvenile cases** (original same as H. B. No. 2781) - Introduced 2/27/13 - To Judiciary - Com. sub. reported 3/22/13 - Passed Senate 3/27/13 - Effective July 1, 2013 - To House 3/28/13 - To Judiciary
- *427. By Sen. Green - **Clarifying requirements for certain motor vehicle searches** - Introduced 3/4/13 - To Judiciary - Com. sub. reported 3/12/13 - Passed Senate 3/15/13 - Effective from passage - To House 3/18/13 - To Judiciary
- *428. By Sen. Stollings - **Relating to billing for HIV or STD testing and treatment** (original same as H. B. No. 2749) - Introduced 3/4/13 - To Health and Human Resources then Judiciary - Com. sub. reported 3/8/13 - To Judiciary 3/8/13 - Com. sub. for com. sub. reported 3/26/13 - Passed Senate 3/29/13 - To House 4/1/13 - To Health and Human Resources then Finance
429. By Sen. Stollings - **Redefining "facility" under Medication Administration by Unlicensed Personnel Act** (original same as H. B. No. 2763) - Introduced 3/4/13 - To Health and Human Resources then Judiciary - To Judiciary 3/8/13 - Passed Senate 3/27/13 - Effective from passage - To House 3/28/13 - To Health and Human Resources then Judiciary - To House Judiciary 4/3/13
- *433. By Sen. Tucker and Plymale - **Creating informal dispute resolution process for DHHR providers or licensees** - Introduced 3/5/13 - To Government Organization then Judiciary - Com. sub. reported 3/21/13 - To Judiciary 3/21/13 - Passed Senate

- 4/2/13 - Effective July 1, 2013 - To House 4/3/13 - To Health and Human Resources then Judiciary - To House Judiciary 4/5/13
451. By Sen. Beach - **Clarifying when carbon monoxide detector is required** - Introduced 3/5/13 - To Judiciary - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary
- *466. By Sen. Laird, Kessler (Mr. President), Stollings, Fitzsimmons and Williams - **Creating Dangerous Wild Animals Act** - Introduced 3/6/13 - To Natural Resources then Finance - Com. sub. reported 3/22/13 - To Finance 3/22/13 - Com. sub. for com. sub. reported 3/28/13 - Passed Senate 4/2/13 - To House 4/3/13 - To Judiciary then Finance
467. By Sen. Laird, Edgell, Kirkendoll and Stollings - **Revising stocking permit requirements for release of aquatic species into state waters** - Introduced 3/6/13 - To Natural Resources then Judiciary - To Judiciary 3/13/13 - Passed Senate 4/1/13 - To House 4/2/13 - To Natural Resources then Judiciary
474. By Sen. Chafin - **Clarifying when deposits are presumed abandoned for unclaimed property purposes** - Introduced 3/7/13 - To Banking and Insurance then Government Organization - To Government Organization 3/26/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Banking and Insurance then Finance
- *488. By Sen. Stollings, Kirkendoll, Green, D. Hall, Kessler (Mr. President), Unger and Williams - **Relating to damage to health or safety systems of certain facilities** (original similar to H. B. No. 2907) - Introduced 3/8/13 - To Energy, Industry and Mining then Judiciary - Com. sub. reported 3/19/13 - To Judiciary 3/19/13 - Com. sub. for com. sub. reported 3/26/13 - Passed Senate 3/29/13 - To House 4/1/13 - To Judiciary
- *490. By Sen. Unger and Snyder - **Creating Equine Facilities and Care Act** - Introduced 3/8/13 - To Agriculture and Rural Development then Judiciary - Com. sub. reported 3/26/13 - To Judiciary 3/26/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary
- *492. By Sen. Tucker, Barnes, Chafin, Cookman, Edgell, Facemire, Kirkendoll, McCabe, Stollings, Williams and Kessler (Mr. President) - **Authorizing rural resort community as limited gaming facility** - Introduced 3/8/13 - To Judiciary then Finance - Com. sub. reported 3/28/13 - On 2nd reading to Finance 3/28/13 - Amended - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary then Finance - To House Finance 4/8/13
- *493. By Sen. Plymale and Stollings - **Providing standards for converting and retrofitting motor vehicles to alternative fuels** - Introduced 3/11/13 - To

Transportation and Infrastructure then Judiciary - Com. sub. reported 3/27/13 - To Judiciary 3/27/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Natural Resources then Judiciary - To House Judiciary 4/8/13

507. By Sen. Cann, Jenkins and McCabe - **Relating to PERS and State Police Retirement System contribution rates** - Introduced 3/13/13 - To Pensions - Passed Senate 3/28/13 - Effective from passage - To House 3/29/13 - To Pensions and Retirement then Judiciary - To House Judiciary - Amended on 3rd reading - Passed House 4/13/13 - Title amended - Senate refused to concur in House amendment 4/13/13
509. By Sen. Laird - **Imposing statutory liens on certain fire insurance proceeds** - Introduced 3/13/13 - To Banking and Insurance then Government Organization - To Government Organization 3/26/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Banking and Insurance then Judiciary - To House Judiciary 4/8/13
- *521. By Sen. Laird, Palumbo, Kirkendoll, Cookman, Stollings, Kessler (Mr. President), Snyder, Cann, Plymale, Williams, Miller and Chafin - **Creating amnesty program for certain drivers with suspended or revoked licenses** - Introduced 3/14/13 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 3/25/13 - To Judiciary 3/25/13 - Com. sub. for com. sub. reported 4/1/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary - Died On 2nd reading, Special Calendar
- *533. By Sen. Miller, Jenkins, Palumbo and Wells - **Modifying definitions of "domestic battery" and "domestic assault"** (original same as H. B. No. 2939) - Introduced 3/14/13 - To Judiciary - Com. sub. reported 3/27/13 - Passed Senate 4/1/13 - To House 4/2/13 - To Judiciary - Died On 2nd reading, Special Calendar
- *543. By Sen. Snyder and Stollings - **Allowing Legislative Auditor establish application review fee schedule** - Introduced 3/15/13 - To Government Organization - Com. sub. reported 3/27/13 - Passed Senate 4/1/13 - Effective from passage - To House 4/2/13 - To Government Organization
552. By Sen. Tucker, Chafin, Nohe, Palumbo, Sypolt, Wells, McCabe, Fitzsimmons, Plymale and Stollings - **Creating Uniform Real Property Electronic Recording Act** (original similar to H. B. No. 2971) - Introduced 3/18/13 - To Interstate Cooperation then Judiciary - On 2nd reading to Judiciary 3/27/13 - Passed Senate 4/1/13 - To House 4/2/13 - To Finance
- *563. By Sen. Palumbo and Snyder - **Excluding jewelry platinum, gold, silver and palladium from definition of "scrap metal"** - Introduced 3/18/13 - To Judiciary - Com. sub. reported 3/26/13 - Passed Senate 3/29/13 - To House 4/1/13 - To Judiciary

- *565. By Sen. Snyder (By Request) - **Creating reverse auction pilot program for purchasing office supplies** - Introduced 3/19/13 - To Government Organization - Com. sub. reported 3/21/13 - Passed Senate 3/26/13 - Effective July 1, 2013 - To House 3/27/13 - To Government Organization then Judiciary - To House Judiciary - Died On 2nd reading, Special Calendar
- *569. By Sen. Green, McCabe, Beach, Williams, Miller and D. Hall - **Requiring appointment of State Fire Marshal be with advice and consent of Senate** - Introduced 3/19/13 - To Government Organization then Judiciary - Com. sub. reported 3/27/13 - 2nd reference dispensed - Passed Senate 4/1/13 - Effective from passage - To House 4/2/13 - To Government Organization then Judiciary
- *570. By Sen. Beach, Miller, D. Hall and Wells - **Cleaning up outdated language in code relating to elections** (original similar to H. B. No. 2965) - Introduced 3/19/13 - To Judiciary - Com. sub. reported 3/22/13 - Passed Senate 3/27/13 - Effective from passage - To House 3/28/13 - To Judiciary
- *579. By Sen. Beach, Miller and D. Hall - **Updating code relating to absentee and early in-person voting** (original same as H. B. No. 2980) - Introduced 3/20/13 - To Judiciary - Com. sub. reported 3/27/13 - Passed Senate 4/1/13 - To House 4/2/13 - To Judiciary
582. By Sen. Palumbo, Carmichael, Cole, Cookman, M. Hall, Jenkins, Stollings, Tucker and Williams - **Implementing terms of Uniform Arbitration Act** (original same as H. B. No. 3079) - Introduced 3/20/13 - To Interstate Cooperation then Judiciary - On 2nd reading to Judiciary 3/27/13 - Passed Senate 4/2/13 - Effective July 1, 2013 - To House 4/3/13 - To Judiciary
- *584. By Sen. Cann, Green, Wells, Walters, Palumbo, Laird, Miller, Tucker, Snyder, Kessler (Mr. President), Kirkendoll, Stollings, Cookman, Plymale and Fitzsimmons - **Creating Pretrial Release Program** - Introduced 3/20/13 - To Judiciary - Com. sub. reported 3/21/13 - Passed Senate 3/26/13 - To House 3/27/13 - To Judiciary
592. By Sen. Tucker, Palumbo, Kessler (Mr. President) and Plymale - **Removing requirement Physicians' Mutual Insurance Company be nonprofit corporation** - Introduced 3/21/13 - To Banking and Insurance then Judiciary - To Judiciary 3/26/13 - Passed Senate 4/1/13 - Effective from passage - To House 4/2/13 - To Judiciary then Finance
- *594. By Sen. Kessler (Mr. President) - **Establishing Court of Claims procedure for unjust arrest, conviction or imprisonment claims** - Introduced 3/21/13 - To Judiciary - Com. sub. reported 3/29/13 - Passed Senate 4/3/13 - To House 4/4/13 - To Judiciary

599. By Sen. Edgell, Miller, Kirkendoll, Green, Unger and Kessler (Mr. President) - **Expanding number of hours temporary state personnel may work** (original same as H. B. No. 3028) - Introduced 3/22/13 - To Labor then Government Organization - To Government Organization 3/27/13 - Passed Senate 4/3/13 - Effective from passage - To House 4/4/13 - To Finance
- *615. By Sen. Kessler (Mr. President) - **Amending table game license renewal fee for pari-mutuel racetracks** - Introduced 3/22/13 - To Judiciary then Finance - Com. sub. reported 3/29/13 - On 2nd reading to Finance 3/29/13 - Amended - Passed Senate with amended title 4/3/13 - Effective July 1, 2013 - To House 4/4/13 - To Judiciary then Finance
623. By Sen. Plymale, Chafin, Cole, Stollings, Cookman, Cann and Jenkins - **Relating to funding for probation officers to address truancy** - Introduced 3/22/13 - To Education then Finance - To Finance 3/27/13 - Passed Senate 4/2/13 - Effective July 1, 2013 - To House 4/3/13 - To Education - Amended - Passed House 4/12/13 - Title amended - Effective July 1, 2013 - Senate refused to concur in House amendment 4/13/13 - House refused to recede and requested conference 4/13/13 - To conference 4/13/13
- *624. By Sen. Palumbo, Cookman, Stollings, Barnes, Kessler (Mr. President) and Fitzsimmons - **Adjusting penalties for willful failure to pay child support** - Introduced 3/22/13 - To Judiciary - Com. sub. reported 3/28/13 - Passed Senate 4/2/13 - To House 4/3/13 - To Judiciary
- *656. By Sen. Snyder, Fitzsimmons, Yost, Prezioso and Stollings - **Establishing special study committee to assess problems facing gaming industry** - Introduced 3/25/13 - To Judiciary - Com. sub. reported 4/1/13 - Passed Senate 4/3/13 - Effective from passage - To House 4/4/13 - To Judiciary
665. By Sen. Prezioso, Facemire, Chafin, Edgell, Green, Laird, McCabe, Plymale, Stollings, Unger, Wells, Yost, Barnes, Blair, Boley, M. Hall and Sybolt (Originating in Senate Finance) - **Expiring funds from State Fund, General Revenue, and making supplementary appropriation to Attorney General and DHHR, Consolidated Medical Service Fund** - Introduced 4/9/13 - Passed Senate 4/12/13 - Effective from passage - Died on Unfinished Business, House Calendar 4/13/13

SENATE CONCURRENT RESOLUTIONS COMMUNICATED TO HOUSE

35. By Sen. Miller, Williams, Beach, Cann, Cookman, D. Hall, Laird, Tucker, Carmichael, Nohe and Sybolt (Originating in Senate Agriculture and Rural

- Development) - **Requesting Joint Committee on Government and Finance study aging watershed dams and channels** - Introduced 3/26/13 - Referred to Rules 3/26/13 - Adopted by Senate 4/11/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13
38. By Sen. Beach, Stollings and Plymale - **Requesting Joint Committee on Government and Finance study Moving Ahead for Progress in 21st Century program** - Introduced 4/2/13 - To Transportation and Infrastructure then Rules - To Rules 4/9/13 - Adopted by Senate 4/11/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13
41. By Sen. Williams and Green (Originating in Senate Economic Development) - **Requesting Joint Committee on Government and Finance study critical access need for emergency electric generators** - Introduced 4/4/13 - Referred to Rules 4/4/13 - Adopted by Senate 4/11/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13
42. By Sen. Snyder, Cann, Cookman, Fitzsimmons, Kirkendoll, Williams, Yost, Blair, Boley, Cole and Sypolt (Originating in Senate Government Organization) - **Requesting Joint Committee on Government and Finance study state's purchasing process and procedures** - Introduced 4/4/13 - Referred to Rules 4/4/13 - Adopted by Senate 4/12/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13
48. By Sen. Unger, Edgell, Cookman, Laird, Miller, Palumbo, Stollings and M. Hall (Originating in Senate Select Committee on Children and Poverty) - **Requesting Joint Committee on Government and Finance study availability of affordable housing** - Introduced 4/9/13 - Referred to Rules 4/9/13 - Adopted by Senate 4/11/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13
50. By Sen. Stollings (Originating in Senate Health and Human Resources) - **Requesting Joint Committee on Government and Finance study abuse deterrent formulations for opioid medications** - Introduced 4/10/13 - Referred to Rules 4/10/13 - Adopted by Senate 4/12/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13
51. By Sen. Stollings (Originating in Senate Health and Human Resources) - **Requesting Joint Committee on Government and Finance study needs, challenges and issues facing senior citizens in finding personal care services** - Introduced 4/10/13 - Referred to Rules 4/10/13 - Adopted by Senate 4/11/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13
52. By Sen. Stollings (Originating in Senate Health and Human Resources) - **Requesting Joint Committee on Government and Finance study tobacco use**

- Introduced 4/10/13 - Referred to Rules 4/10/13 - Adopted by Senate 4/12/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13
62. By Sen. Facemire, Plymale, Kessler (Mr. President), Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost - **Urging Army Corps of Engineers and Federal Highways Administration respect state land use planning processes** - Introduced 4/10/13 - Committee reference dispensed - Adopted by Senate 4/10/13 - To House 4/11/13 - To Rules - To House Rules 4/11/13
69. By Sen. Williams, Cann, Beach, Blair, Cookman, Kirkendoll, McCabe, Snyder, Stollings, Sypolt, Walters and Wells (Originating in Senate Economic Development) - **Requesting Joint Committee on Government and Finance study West Virginia Project Launchpad Act** - Introduced 4/11/13 - Referred to Rules 4/11/13 - Adopted by Senate 4/12/13 - To House 4/12/13 - To Rules - To House Rules 4/12/13
79. Originating in Senate Finance - **Requesting Joint Committee on Government and Finance study equalization of magistrate pay** - Introduced 4/13/13 - Adopted by Senate 4/13/13

ALL HOUSE BILLS PASSED BY HOUSE AND COMMUNICATED TO SENATE

- *2014. By Mr. Speaker (Mr. Thompson) and Del. Armstead [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** (Original same as S. B. No. 143) - Introduced 2/13/13 - To Finance - Passed House 4/12/13 - Effective from passage - To Senate 4/13/13 - Committee reference dispensed - Constitutional rule suspended - Amended - Passed Senate 4/13/13 - Effective from passage - House refused to concur and requested Senate to recede 4/13/13 - Senate refused to recede and requested conference 4/13/13 - To conference 4/13/13 - House adopted conference report and passed bill 4/17/13 - Effective from passage - Senate adopted conference report and passed bill 4/17/13 - Effective from passage - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 4, Acts, 2013
- *2046. By Del. Perry and Smith, P. - **Requiring wireless telecommunications companies to release location information of a missing person's cell phone in a timely manner; the "Kelsey Smith Act"** - Introduced 2/13/13 - To Judiciary - Amended - Amended on 3rd reading - Passed House 3/18/13 - To Senate 3/19/13 - To

Judiciary 3/19/13 - Passed Senate with amended title 4/12/13 - House concurred in Senate title amendment 4/13/13 - Passed House 4/13/13 - To Governor 4/29/13 - Approved by Governor 4/29/13 - Chapter 208, Acts, 2013

- *2108. By Del. Fleischauer - **Making the offense of failure to wear safety belts a primary offense** (Original similar to S. B. No. 129) - Introduced 2/13/13 - To Roads and Transportation then Judiciary - To House Judiciary 2/22/13 - Passed House 3/28/13 - To Senate 3/29/13 - To Judiciary 3/29/13 - Passed Senate 4/10/13 - To Governor 4/17/13 - Approved by Governor 4/22/13 - Chapter 173, Acts, 2013
- *2124. By Del. Morgan, Stephens, Hartman, Householder, Howell and Staggers - **Creating new code sections which separate the executive departments** - Introduced 2/13/13 - To Government Organization then Finance - To House Finance 2/22/13 - Passed House 3/22/13 - To Senate 3/25/13 - To Government Organization then Finance - To Government Organization 3/25/13 - On 2nd reading to Finance 4/10/13
- *2128. By Del. Fleischauer, Caputo, Marshall, Guthrie and Stowers - **Providing railroad employees have the right to review and copy the contents of their personnel file** - Introduced 2/13/13 - To Energy, Industry and Labor, Economic Development and Small Business then Judiciary - To House Judiciary 3/27/13 - Passed House 4/3/13 - Title amended - To Senate 4/4/13 - To Judiciary 4/4/13
2158. By Del. Moore, Reynolds and Azinger - **Relating to the provision of financially-related services by banks and bank holding companies** - Introduced 2/13/13 - To Banking and Insurance then Judiciary - 2nd reference dispensed - Passed House 3/27/13 - To Senate 3/28/13 - To Banking and Insurance then Judiciary - To Banking and Insurance 3/28/13 - To Judiciary 4/9/13 - Passed Senate 4/13/13 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 16, Acts, 2013
- *2173. By Del. Miller, Reynolds and Morgan - **Relating to funeral expenses for indigent persons** - Introduced 2/13/13 - To Government Organization - Passed House 2/25/13 - To Senate 2/26/13 - To Government Organization 2/26/13
- *2237. By Del. Staggers - **Requiring physicians and other licensed prescribers offer the drug Naloxone to their patients who are prescribed opiates for chronic pain** - Introduced 2/13/13 - To Health and Human Resources then Judiciary - To House Judiciary 2/21/13 - Passed House 3/26/13 - To Senate 3/27/13 - To Health and Human Resources then Judiciary - To Health and Human Resources 3/27/13
- *2265. By Del. Fleischauer, Phillips, L., Campbell, Poore, Marshall and Barill - **Relating to the school access safety act** - Introduced 2/13/13 - To Education then Finance

- To House Finance 3/1/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Education 4/4/13 - Amended - Passed Senate 4/13/13 - Title amended
- *2314. By Del. Poore, Guthrie, Wells, Lawrence, Miley and Skaff - **Authorizing a family court judge to order a child to be taken into custody in emergency situations** (Original same as S. B. No. 385) - Introduced 2/13/13 - To Judiciary - Passed House 3/1/13 - To Senate 3/4/13 - To Judiciary 3/4/13 - Passed Senate with amended title 4/9/13 - House concurred in Senate title amendment 4/10/13 - Passed House 4/10/13 - To Governor 4/22/13 - Approved by Governor 5/3/13 - Chapter 42, Acts, 2013
- *2351. By Del. Moore, Poore, Fleischauer and Skaff - **Authorizing law enforcement to issue a charge by citation when making an arrest for driving with a suspended or revoked license** - Introduced 2/13/13 - To Judiciary - Passed House 3/8/13 - To Senate 3/11/13 - To Judiciary 3/11/13 - Passed Senate 4/12/13 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 50, Acts, 2013
- *2352. By Del. Phillips, R., Stowers, Skaff and Boggs - **Clarifying that the West Virginia Department of Environmental Protection does not assume a mine operator's obligations or liabilities under the Water Pollution Control Act** - Introduced 2/13/13 - To Energy, Industry and Labor, Economic Development and Small Business then Judiciary - To House Judiciary 3/21/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Judiciary then Finance - To Judiciary 4/4/13 - On 2nd reading to Finance 4/11/13 - Amended - Passed Senate with amended title 4/13/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 129, Acts, 2013
- *2357. By Del. Poore, Marshall, Moore, Hamilton, Miley, Longstreth, Caputo, Manchin and Ellem - **Relating to sexting by minors** - Introduced 2/13/13 - To Judiciary then Finance - 2nd reference dispensed - Passed House 4/3/13 - To Senate 4/4/13 - To Judiciary then Finance - To Judiciary 4/4/13 - 2nd reference dispensed - Amended - Passed Senate with amended title 4/12/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 5/1/13 - Chapter 112, Acts, 2013
- *2360. By Del. Poling, M. - **Relating to public school support computation of local share** - Introduced 2/13/13 - To Education then Finance - To House Finance 3/15/13 - Passed House 3/22/13 - Effective July 1, 2013 - To Senate 3/25/13 - To Education then Finance - To Education 3/25/13 - To Finance 4/9/13 - Amended - Passed Senate 4/13/13 - Title amended - Effective July 1, 2013 - House refused to concur and requested Senate to recede 4/13/13
2361. By Del. Longstreth and Iaquina - **Relating to the definition of "eligible veteran" for certain state training and employment preference benefits** - Introduced

2/13/13 - To Veterans' Affairs and Homeland Security then Judiciary - To House Judiciary 2/28/13 - Passed House 3/11/13 - To Senate 3/12/13 - To Military then Judiciary - To Military 3/12/13 - To Judiciary 3/20/13 - Passed Senate 4/9/13 - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 204, Acts, 2013

- *2395. By Del. Williams, Campbell, Moye, Perdue, Pino and Ellington - **Relating to senior services** (Original same as S. B. No. 106) - Introduced 2/13/13 - To Senior Citizen Issues then Government Organization - To House Government Organization 2/28/13 - Passed House 3/27/13 - To Senate 3/28/13 - To Judiciary 3/28/13 - Amended - Passed Senate with amended title 4/10/13 - House concurred in Senate amendment and passed 4/10/13 - To Governor 4/17/13 - Approved by Governor 4/17/13 - Chapter 103, Acts, 2013
- *2397. By Del. Manchin and Lawrence - **Authorizing a county commission to temporarily fill vacancies in certain offices** (Original same as S. B. No. 213) - Introduced 2/13/13 - To Political Subdivisions then Judiciary - To House Judiciary 2/25/13 - Passed House 3/13/13 - To Senate 3/14/13 - To Government Organization then Judiciary - To Government Organization 3/14/13 - To Judiciary 4/4/13
- *2399. By Del. Poling, D., Anderson, Manypenny, Guthrie, Ireland, Ellem and Swartzmiller - **Protecting livestock in dire or extreme condition** - Introduced 2/13/13 - To Agriculture then Judiciary - To House Judiciary 3/27/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Agriculture and Rural Development 4/4/13 - Amended - Passed Senate with amended title 4/12/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 124, Acts, 2013
- *2414. By Del. Morgan, Williams, Stephens, Poling, D. and Moye - **Conveying property to a nonprofit** - Introduced 2/13/13 - To Political Subdivisions then Judiciary - To House Judiciary 2/25/13 - Passed House 3/13/13 - To Senate 3/14/13 - To Judiciary 3/14/13
- *2431. By Del. Phillips, R., Cowles, Hunt, Marcum, Moye, Pethtel and Stowers - **Modifying the application process for obtaining a state license to carry a concealed deadly weapon** - Introduced 2/13/13 - To Judiciary - Amended - Passed House 4/3/13 - Title amended - To Senate 4/4/13 - To Judiciary 4/4/13 - Amended - Passed Senate 4/12/13 - Title amended - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/17/13 - Vetoed by Governor 4/17/13 - House amended and repassed to meet the objections of the Governor 4/17/13 - Senate concurred in House amendment 4/17/13 - Passed Senate 4/17/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 34, Acts, 2013
2434. By Del. Miley, Pethtel, White, Moore, Phillips, L., Boggs, Barill, Smith, P. and Jones - **Relating to compensation in the magistrate court system** (Original

similar to S. B. No. 210) - Introduced 2/14/13 - To Judiciary then Finance - 2nd reference dispensed - Passed House 2/20/13 - Effective ninety days from passage - To Senate 2/21/13 - To Judiciary then Finance - To Judiciary 2/21/13 - To Finance 4/10/13 - Amended - Passed Senate with amended title 4/13/13

- *2450. By Del. Hunt - **Granting licensed real estate appraisers access to commercial or residential review documents** - Introduced 2/14/13 - To Political Subdivisions then Judiciary - To House Judiciary 2/25/13 - Passed House 3/8/13 - To Senate 3/11/13 - To Government Organization then Judiciary - To Government Organization 3/11/13
- *2453. By Del. Marshall, Guthrie, Sumner, Barill, Poling, D., Fragale, Hamilton and Boggs - **Expanding the Amber Alert Plan; "SKYLAR'S LAW"** - Introduced 2/14/13 - To Judiciary then Finance - To House Finance 3/6/13 - Passed House 3/27/13 - To Senate 3/28/13 - To Judiciary 3/28/13 - Amended - Passed Senate with amended title 4/12/13 - House concurred in Senate amendment and passed 4/12/13 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 3, Acts, 2013
2463. By Del. Perdue, Perry, Fleischauer, Marshall, Moye, Poore and Staggers - **Repealing the article that permits the sterilization of persons deemed to be mentally incompetent** (Original same as S. B. No. 193) - Introduced 2/14/13 - To Health and Human Resources then Judiciary - To House Judiciary 3/14/13 - Passed House 3/25/13 - To Senate 3/26/13 - To Health and Human Resources then Judiciary - To Health and Human Resources 3/26/13 - To Judiciary 3/28/13 - Passed Senate 4/9/13 - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 28, Acts, 2013
2469. By Del. Perry, Staggers, Swartzmiller, Walker, Barill and Williams - **Increasing the cap on earnings during temporary reemployment after retirement** - Introduced 2/14/13 - To Pensions and Retirement then Finance - To House Finance 3/27/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Pensions then Finance - To Pensions 4/4/13 - On 2nd reading to Finance 4/9/13 - Amended - Passed Senate 4/13/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 167, Acts, 2013
- *2470. By Del. Poling, M. - **Relating to sign support specialist or an educational sign language interpreter in the education of exceptional children** - Introduced 2/14/13 - To Education then Finance - To House Finance 3/28/13 - Passed House 4/3/13 - Effective July 1, 2013 - To Senate 4/4/13 - To Education then Finance - To Education 4/4/13 - On 2nd reading to Finance 4/9/13 - Passed Senate 4/13/13 - Effective July 1, 2013 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 172, Acts, 2013

- *2471. By Mr. Speaker (Mr. Thompson), Del. Boggs, Swartzmiller, Miley, Young, Sponaugle and Barrett - **Prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency** (Original similar to S. B. No. 330) - Introduced 2/15/13 - To Judiciary - Passed House 2/22/13 - To Senate 2/25/13 - To Government Organization then Judiciary - To Government Organization 2/25/13 - To Judiciary 4/4/13 - Amended - Passed Senate 4/9/13 - Title amended - House refused to concur and requested Senate to recede 4/10/13 - Senate receded and passed 4/11/13 - To Governor 4/25/13 - Approved by Governor 5/3/13 - Chapter 160, Acts, 2013
2477. By Del. Overington, Barill, Caputo, Sobonya and Perdue - **Permitting certain auxiliary lighting on motorcycles** - Introduced 2/15/13 - To Roads and Transportation then Judiciary - 2nd reference dispensed - Passed House 2/27/13 - To Senate 2/28/13 - To Transportation and Infrastructure 2/28/13
2487. By Del. Perdue, Perry, Ellington, Moye, Moore, Diserio, Campbell, Morgan, Poore and Ferns - **Prohibiting the use of laetrile** - Introduced 2/15/13 - To Health and Human Resources then Judiciary - To House Judiciary 2/19/13 - Passed House 3/1/13 - To Senate 3/4/13 - To Health and Human Resources 3/4/13 - Passed Senate 4/1/13 - To Governor 4/5/13 - Approved by Governor 4/10/13 - Chapter 27, Acts, 2013
- *2490. By Del. Iaquinta, Fleischauer, Longstreth, Stephens and Azinger - **Providing for the appointment of veterans advocates at state institutions of higher education** (Original same as S. B. No. 174) - Introduced 2/15/13 - To Veterans' Affairs and Homeland Security then Education - To House Education 3/21/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Military then Education - To Military 4/4/13 - On 2nd reading to Education 4/9/13 - Amended - Passed Senate 4/13/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/25/13 - Approved by Governor 5/1/13 - Chapter 95, Acts, 2013
- *2491. By Del. Iaquinta, Fleischauer, Longstreth, Stephens and Azinger - **Establishing a uniform course completion policy for veteran students called up for active duty** (Original same as S. B. No. 173) - Introduced 2/15/13 - To Veterans' Affairs and Homeland Security then Education - To House Education 3/14/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Military then Education - To Military 4/4/13 - To Education 4/9/13 - Amended - Passed Senate 4/13/13 - Title amended - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 4/29/13 - Chapter 96, Acts, 2013
- *2497. By Del. Skaff, Stowers, Nelson, E., Campbell, White, Ferns, Craig, Morgan, Poore and Marcum - **Requiring applicants for real estate licensure to undergo**

- criminal history record checks** (Original same as S. B. No. 211) - Introduced 2/15/13 - To Government Organization then Judiciary - To House Judiciary 3/8/13 - Amended - Passed House 3/18/13 - To Senate 3/19/13 - To Government Organization then Judiciary - To Government Organization 3/19/13 - 2nd reference dispensed - Amended - Passed Senate with amended title 4/11/13 - House concurred in Senate amendment and passed 4/12/13 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 157, Acts, 2013
- *2498. By Del. Marcum, Miley, Craig, Moore, White, Perry, Skaff, Nelson, E., Ferro, Ferns and Eldridge - **Making it a crime for a person sitting on a grand jury to disclose the identity of an individual who will be indicted** - Introduced 2/15/13 - To Judiciary then Finance - To House Finance 2/22/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Judiciary 4/4/13 - Amended - Rejected by Senate 4/13/13 - Senate requests return of bill from House - Recalled from House 4/13/13 - Senate reconsidered action - Passed Senate 4/13/13 - To Governor 4/29/13 - Approved by Governor 4/29/13 - Chapter 111, Acts, 2013
- *2505. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Increasing civil penalties imposed by the Public Service Commission for pipeline safety violations** (Original same as S. B. No. 192) - Introduced 2/15/13 - To Judiciary - Passed House 2/28/13 - To Senate 3/1/13 - To Energy, Industry and Mining then Judiciary - To Energy, Industry and Mining 3/1/13 - To Judiciary 4/4/13 - Passed Senate 4/12/13 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 87, Acts, 2013
2508. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Changing the capital investment threshold amount** (Original same as S. B. No. 189) - Introduced 2/15/13 - To Finance - Passed House 3/22/13 - Title amended - Effective July 1, 2013 - To Senate 3/25/13 - To Finance 3/25/13 - Passed Senate 4/12/13 - Effective July 1, 2013 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 54, Acts, 2013
- *2512. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Reforming the state Medicaid subrogation statute** (Original same as S. B. No. 180) - Introduced 2/15/13 - To Health and Human Resources then Judiciary - To House Judiciary 3/12/13 - Passed House 4/1/13 - To Senate 4/2/13 - To Judiciary 4/2/13 - Amended - Passed Senate 4/12/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 127, Acts, 2013
- *2513. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Improving enforcement of drugged driving offenses** (Original same as S. B. No. 181) - Introduced 2/15/13 - To Judiciary then Finance - To House Finance

3/27/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Transportation and Infrastructure then Judiciary - To Transportation and Infrastructure 4/4/13 - To Judiciary 4/9/13 - Amended - Passed Senate 4/13/13 - Title amended - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 5/1/13 - Chapter 51, Acts, 2013

- *2514. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Lowering the total amount of tax credits available under the Film Industry Investment Act** (Original same as S. B. No. 182) - Introduced 2/15/13 - To Finance - Passed House 3/22/13 - To Senate 3/25/13 - To Finance 3/25/13 - Amended - Passed Senate with amended title 4/12/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 190, Acts, 2013
2516. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act** (Original same as S. B. No. 184) - Introduced 2/15/13 - To Finance - Passed House 3/22/13 - Effective from passage - To Senate 3/25/13 - To Finance 3/25/13 - Passed Senate 4/12/13 - Effective from passage - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 194, Acts, 2013
- *2519. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Relating to reallocation and repatriation of certain funds to the General Revenue Fund** (Original same as S. B. No. 186) - Introduced 2/18/13 - To Energy, Industry and Labor, Economic Development and Small Business then Finance - To House Finance 3/14/13 - Passed House 3/28/13 - Effective from passage - To Senate 3/29/13 - To Finance 3/29/13 - Passed Senate 4/12/13 - Effective from passage - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 196, Acts, 2013
- *2521. By Del. Skaff and Marcum - **Relating to the West Virginia Contraband Forfeiture Act** - Introduced 2/18/13 - To Judiciary - Passed House 3/29/13 - To Senate 4/1/13 - To Judiciary 4/1/13 - Passed Senate with amended title 4/9/13 - House concurred in Senate title amendment 4/10/13 - Passed House 4/10/13 - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 37, Acts, 2013
- *2531. By Del. Morgan, Stephens, Paxton, Hartman, Ferns, Howell, Folk, Smith, R., Faircloth, Arvon and Nelson, J. - **Relating to the practice of speech-language pathology and audiology** - Introduced 2/19/13 - To Government Organization then Judiciary - 2nd reference dispensed - Passed House 4/1/13 - Effective from passage - To Senate 4/2/13 - To Government Organization then Judiciary - To Government Organization 4/2/13 - On 2nd reading to Judiciary 4/9/13 - Amended

- Passed Senate with amended title 4/13/13 - Effective from passage - House concurred in Senate amendment and passed 4/13/13 - Effective from passage - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 154, Acts, 2013
- *2534. By Del. Morgan, Stephens, Diserio, Jones, Paxton and Smith, P. - **Relating to the regulation of pawn brokers** - Introduced 2/19/13 - To Government Organization then Judiciary - To House Judiciary 2/22/13 - Passed House 3/22/13 - To Senate 3/25/13 - To Government Organization then Judiciary - To Government Organization 3/25/13 - To Judiciary 4/4/13 - Amended - Passed Senate 4/13/13 - Title amended - House concurred in Senate amendment and passed 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 144, Acts, 2013
- *2538. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Expiring, supplementing, amending, increasing, and adding items of appropriation in various accounts** (Original same as S. B. No. 207) - Introduced 2/19/13 - To Finance - Passed House 4/10/13 - Effective from passage - To Senate 4/11/13 - To Finance 4/11/13 - Amended - Passed Senate with amended title 4/13/13 - Effective from passage - House concurred in Senate amendment and passed 4/13/13 - Effective from passage - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 5, Acts, 2013
2541. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Department of Health and Human Resources, Division of Human Services** (Original same as S. B. No. 209) - Introduced 2/19/13 - To Finance - Passed House 4/10/13 - To Senate 4/11/13 - To Finance 4/11/13 - Passed Senate 4/13/13 - Effective from passage - Effective ninety days from passage - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 6, Acts, 2013
2542. By Del. Morgan, Stephens, Jones, Paxton, Smith, P., Stagers, Hartman and Lynch - **Relating to publication of the State Register** - Introduced 2/19/13 - To Government Organization then Finance - To House Finance 3/1/13 - Passed House 4/3/13 - Effective from passage - To Senate 4/4/13 - To Government Organization then Finance - To Government Organization 4/4/13 - 2nd reference dispensed - Amended - Passed Senate with amended title 4/11/13 - Effective from passage - House concurred in Senate amendment and passed 4/12/13 - Effective from passage - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 174, Acts, 2013
2543. By Mr. Speaker (Mr. Thompson), Del. Boggs, Caputo, Swartzmiller, White, Miley, Poling, M., Morgan, Armstead, Lane and Cowles - **Specifying that the subsidy provided to volunteer fire departments to offset certain workers'**

compensation premium increases apply to increases attributable to the fire fighting service - Introduced 2/19/13 - To Finance - Passed House 3/27/13 - Effective from passage - To Senate 3/28/13 - To Finance 3/28/13

- *2544. By Del. Walters, Craig, Hunt, White, Nelson, J., Folk, Raines, Paxton, Kump, Boggs and Miley - **Improving state emergency preparedness** (Original similar to S. B. No. 497) - Introduced 2/19/13 - To Veterans' Affairs and Homeland Security then Finance - To House Finance 3/21/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Government Organization then Finance - To Government Organization 4/4/13
- *2548. By Del. Ferro, Stowers, Pethtel, Swartzmiller, Storch, Marcum, Boggs, Ferns, Poling, D., Diserio and Phillips, L. - **Increasing the criminal penalties for assaults and batteries against athletic officials** - Introduced 2/19/13 - To Judiciary then Finance - To House Finance 3/27/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Judiciary 4/4/13 - Passed Senate 4/12/13 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 43, Acts, 2013
- *2550. By Del. Hunt, Craig, Lane, Barill, Miley, Paxton, Faircloth, Hamilton, Smith, P., Perry and Moore - **Adding criminal offense of receiving materials depicting minors in sexually explicit conduct** - Introduced 2/19/13 - To Judiciary then Finance - 2nd reference dispensed - Passed House 4/1/13 - To Senate 4/2/13 - To Judiciary 4/2/13
- *2553. By Del. Morgan, Stephens, Diserio, Jones, Paxton, Smith, P., Staggers, Hartman and Lynch - **Authorizing the Secretary of State to administratively dissolve certain business entities** (Original similar to S. B. No. 70) - Introduced 2/20/13 - To Government Organization then Judiciary - To House Judiciary 3/1/13 - Passed House 3/11/13 - To Senate 3/12/13 - To Judiciary 3/12/13 - Amended - Passed Senate with amended title 4/9/13 - House concurred in Senate amendment and passed 4/10/13 - To Governor 4/17/13 - Approved by Governor 4/22/13 - Chapter 175, Acts, 2013
- *2554. By Del. Morgan, Stephens, Staggers, Hartman, Jones, Diserio and Lynch - **Providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations** (Original similar to S. B. No. 479) - Introduced 2/20/13 - To Government Organization then Judiciary - To House Government Organization 2/20/13 - To House Judiciary 3/1/13 - Passed House 3/11/13 - To Senate 3/12/13 - To Judiciary 3/12/13 - Passed Senate with amended title 4/12/13 - House concurred in Senate title amendment 4/12/13 - Passed House 4/12/13 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 176, Acts, 2013

- *2563. By Del. Eldridge, Phillips, R., Stowers, Tomblin, Campbell, Reynolds, Ferns, Marcum, White, Longstreth and Fragale - **Reducing the daily administrative time required of school counselors and increasing the time actually spent in counseling at-risk students** - Introduced 2/20/13 - To Education then Finance - To House Finance 2/26/13 - Passed House 3/29/13 - To Senate 4/1/13 - To Education 4/1/13
- *2567. By Del. Morgan, Stephens, Diserio, Jones, Paxton, Smith, P. and Stagers - **Relating to limited partnerships** - Introduced 2/20/13 - To Government Organization then Judiciary - To House Judiciary 3/1/13 - Passed House 3/14/13 - To Senate 3/15/13 - To Judiciary 3/15/13 - Amended - Passed Senate 4/13/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 4/29/13 - Chapter 177, Acts, 2013
- *2570. By Del. Morgan, Stephens, Hartman, Paxton, Eldridge and Lynch - **Relating to the West Virginia Public Employees Grievance Procedure** - Introduced 2/20/13 - To Government Organization then Judiciary - To House Judiciary 3/22/13 - Amended - Passed House 4/3/13 - To Senate 4/4/13 - To Government Organization 4/4/13
- *2571. By Del. Craig, White, Marcum, Morgan, Stowers, Eldridge, Phillips, R., Reynolds, Skaff and Miller - **Relating to who may serve as members of the environmental quality board** (Original same as S. B. No. 598) - Introduced 2/20/13 - To Government Organization - Passed House 4/1/13 - Effective from passage - To Senate 4/2/13 - To Government Organization then Judiciary - To Government Organization 4/2/13 - On 2nd reading to Judiciary 4/9/13 - Amended - Passed Senate with amended title 4/13/13 - Effective from passage - House concurred in Senate amendment and passed 4/13/13 - Effective from passage - To Governor 4/25/13 - Approved by Governor 5/1/13 - Chapter 77, Acts, 2013
- *2577. By Del. Perdue, Perry, Eldridge, Lawrence and Stagers - **Relating to the practice of pharmacist care** - Introduced 2/20/13 - To Health and Human Resources then Judiciary - To House Judiciary 3/7/13 - Passed House 4/3/13 - Title amended - Effective July 1, 2013 - To Senate 4/4/13 - To Health and Human Resources then Government Organization - To Health and Human Resources 4/4/13 - On 2nd reading to Government Organization 4/9/13 - Amended - Passed Senate 4/13/13 - Title amended - Effective July 1, 2013 - House concurred in Senate amendment and passed 4/13/13 - Effective July 1, 2013 - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 148, Acts, 2013
- *2579. By Del. Phillips, R., Stowers, Eldridge, Tomblin, White, Marcum, Caputo, Boggs, Craig, Sumner and Nelson, J. - **Revising state water quality standard for Selenium** (Original same as S. B. No. 472) - Introduced 2/20/13 - To Judiciary -

Passed House 3/8/13 - To Senate 3/11/13 - To Energy, Industry and Mining then Judiciary - To Energy, Industry and Mining 3/11/13 - To Judiciary 3/13/13 - Amended - Passed Senate with amended title 4/12/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 4/29/13 - Chapter 205, Acts, 2013

- *2583. By Del. Fleischauer, Miley, Hunt, Longstreth, Pino, Ellem, Overington, Moore, Poore, Sobonya and Frich - **Establishing a regulatory system for sexual assault forensic examinations** (Original same as S. B. No. 337) - Introduced 2/21/13 - To Health and Human Resources then Judiciary - To House Judiciary 3/14/13 - Passed House 3/26/13 - To Senate 3/27/13 - To Government Organization then Judiciary - To Government Organization 3/27/13
- *2585. By Del. Skaff, Craig, Smith, P., Poore, Guthrie, Hunt, Reynolds, White, Raines and Nelson, E. - **Increasing the time to file a petition in response to notice of an increased assessment** - Introduced 2/21/13 - To Judiciary then Finance - 2nd reference dispensed - Passed House 3/6/13 - To Senate 3/7/13 - To Judiciary 3/7/13 - Amended - Passed Senate with amended title 4/9/13 - House refused to concur and requested Senate to recede 4/10/13 - Senate refused to recede and requested conference 4/11/13 - To conference 4/12/13 - House adopted conference report and passed bill 4/13/13 - Senate adopted conference report and passed bill 4/13/13 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 183, Acts, 2013
2586. By Del. Morgan, Stephens, Eldridge and Paxton - **Relating to qualifications for a license to practice embalming** - Introduced 2/21/13 - To Government Organization - Passed House 3/4/13 - Effective from passage - To Senate 3/5/13 - To Government Organization 3/5/13 - Amended - Passed Senate with amended title 4/12/13 - Effective from passage - House concurred in Senate amendment and passed 4/12/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 151, Acts, 2013
- *2590. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Creating a public nonprofit corporation and governmental instrumentality to collectively address several environmental and economic development programs** (Original same as S. B. No. 342 - similar to S. B. No. 50) - Introduced 2/21/13 - To Energy, Industry and Labor, Economic Development and Small Business then Judiciary - To House Judiciary 3/14/13 - Amended - Passed House 3/26/13 - To Senate 3/27/13 - To Government Organization 3/27/13 - Amended - Passed Senate with amended title 4/13/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 4/29/13 - Chapter 38, Acts, 2013
- *2600. By Del. Hartman, McCuskey, Campbell, Miley, Nelson, E., Sponaugle, Skaff and Lynch - **Creating resort area districts** - Introduced 2/22/13 - To Political

Subdivisions then Judiciary - To House Judiciary 3/7/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Economic Development then Finance - To Economic Development 4/4/13 - On 2nd reading to Finance 4/10/13 - Passed Senate 4/13/13 - To Governor 4/29/13 - Approved by Governor 5/2/13 - Chapter 165, Acts, 2013

- *2603. By Del. Morgan, Stephens, Staggers, Eldridge, Jones, Lynch, Paxton, Hartman, Smith, P., Barrett and Skinner - **Relating to the Family Protection Services Board** (Original similar to S. B. No. 402) - Introduced 2/22/13 - To Government Organization then Judiciary - To House Judiciary 3/8/13 - Passed House 3/18/13 - Effective from passage - To Senate 3/19/13 - To Government Organization then Judiciary - To Government Organization 3/19/13 - On 2nd reading to Judiciary 4/9/13 - Amended - Passed Senate 4/12/13 - Title amended - Effective from passage - House concurred in Senate amendment and passed 4/12/13 - Effective from passage - To Governor 4/25/13 - Approved by Governor 5/1/13 - Chapter 81, Acts, 2013
- *2608. By Del. Staggers, Morgan, Swartzmiller, Phillips, R., Diserio, Romine, Azinger, Border and Householder - **Requiring appraisal management companies to be registered** (Original same as S. B. No. 346) - Introduced 2/22/13 - To Government Organization then Judiciary - To House Judiciary 3/19/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Banking and Insurance then Judiciary - To Banking and Insurance 4/4/13 - 2nd reference dispensed - Amended - Passed Senate 4/12/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 156, Acts, 2013
- *2626. By Del. Poore, Marcum, Fleischauer, Frich and Eldridge - **Authorizing the Department of Military Affairs and Public Safety to promulgate Legislative Rules** - Introduced 2/25/13 - To Judiciary - Laid over until 4/1/13 - Passed House 4/1/13 - Effective from passage - To Senate 4/2/13 - To Judiciary 4/2/13 - Amended - Passed Senate 4/12/13 - Effective from passage - House concurred in Senate amendment and passed 4/13/13 - Effective from passage - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 117, Acts, 2013
- *2652. By Del. Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya - **Authorizing the Department of Administration to promulgate legislative rules** - Introduced 2/25/13 - To Finance then Judiciary - To House Judiciary 3/19/13 - Passed House 3/27/13 - Effective from passage - To Senate 3/28/13 - To Judiciary 3/28/13 - Amended - Passed Senate 4/9/13 - Effective from passage - House concurred in Senate amendment and passed 4/10/13 - Effective from passage - To Governor 4/22/13 - Approved by Governor 4/30/13 - Chapter 114, Acts, 2013
- *2689. By Del. Poore, Marcum, Fleischauer and Eldridge - **Authorizing miscellaneous Boards and Agencies to promulgate legislative rules** - Introduced 2/25/13 - To

Health and Human Resources then Judiciary - To House Judiciary 3/12/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Judiciary 4/4/13 - Amended - Passed Senate with amended title 4/13/13 - Effective from passage - House concurred in Senate amendment and passed 4/13/13 - Effective from passage - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 120, Acts, 2013

- *2716. By Del. Diserio, Walker, Ferro, Skinner, Barill, Swartzmiller, Nelson, E., Ellem, Storch, Marcum and White - **Relating to the West Virginia Fairness in Competitive Bidding Act** (Original same as S. B. No. 348) - Introduced 2/25/13 - To Judiciary then Finance - To House Finance 3/5/13 - Passed House 4/2/13 - To Senate 4/3/13 - To Labor then Government Organization - To Labor 4/3/13 - To Government Organization 4/5/13 - Passed Senate 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 32, Acts, 2013
- *2717. By Del. Ashley, Skaff, Raines, Swartzmiller, Ferns, Reynolds, Stowers, White, Miley and Walker - **Requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification** (Original same as S. B. No. 360) - Introduced 2/25/13 - To Judiciary then Finance - To House Finance 3/18/13 - Passed House 3/27/13 - Effective July 1, 2013 - To Senate 3/28/13 - To Finance 3/28/13 - Amended - Passed Senate 4/13/13 - Effective July 1, 2013 - House concurred in Senate amendment and passed 4/13/13 - Effective July 1, 2013 - To Governor 4/25/13 - Approved by Governor 5/1/13 - Chapter 46, Acts, 2013
- *2727. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Relating to the school aid formula** (Original same as S. B. No. 370) - Introduced 2/26/13 - To Education then Finance - To House Finance 3/5/13 - Passed House 4/2/13 - Effective July 1, 2013 - To Senate 4/3/13 - To Education then Finance - To Education 4/3/13 - To Finance 4/9/13 - Amended - Passed Senate 4/13/13 - Title amended - Effective July 1, 2013 - House concurred in Senate amendment and passed 4/13/13 - Effective July 1, 2013 - To Governor 4/29/13 - Approved by Governor 5/1/13 - Chapter 67, Acts, 2013
2729. By Del. Perry, Perdue, Boggs, Miley, Poling, M., Poore, Fleischauer, Marshall, Armstead, Ellington and Pasdon - **Allowing schools to voluntarily maintain and use epinephrine auto-injectors** (Original same as S. B. No. 340) - Introduced 2/26/13 - To Health and Human Resources then Judiciary - To House Judiciary 3/5/13 - Passed House 3/13/13 - Title amended - To Senate 3/14/13 - To Health and Human Resources then Education - To Health and Human Resources 3/14/13 - To Education 3/27/13 - Passed Senate 4/9/13 - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 61, Acts, 2013
- *2730. By Del. Morgan, Stephens, Azinger, Diserio, Ferns, Jones, Paxton, Perry, Poling, D., Romine and Swartzmiller - **Relating to the Real Estate Appraisal Board** -

Introduced 2/26/13 - To Government Organization then Judiciary - To House Judiciary 3/22/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Government Organization 4/4/13 - Passed Senate 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 155, Acts, 2013

- *2731. By Del. Fleischauer, Marshall, Barill, Manypenny, Campbell, Pasdon, Fragale, Iaquina, Stagers, Miley and Perry - **Regulating the performance of health maintenance tasks by unlicensed personnel** - Introduced 2/26/13 - To Health and Human Resources then Judiciary - To House Judiciary 3/26/13 - Passed House 4/3/13 - Effective from passage - To Senate 4/4/13 - To Health and Human Resources then Government Organization - To Health and Human Resources 4/4/13 - On 2nd reading to Government Organization 4/9/13 - Amended - Passed Senate 4/13/13 - Effective from passage - House concurred in Senate amendment and passed 4/13/13 - Effective from passage - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 91, Acts, 2013
- *2733. By Del. Phillips, R., Stagers, Ferro, Diserio and Reynolds - **Relating to hearings before the Office of Administrative Hearings** (Original same as S. B. No. 376) - Introduced 2/26/13 - To Roads and Transportation then Judiciary - To House Judiciary 3/14/13 - Passed House 3/26/13 - To Senate 3/27/13 - To Judiciary 3/27/13 - Amended - Passed Senate 4/13/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 52, Acts, 2013
- *2738. By Del. Perdue, Perry, Fleischauer, Lawrence, Marshall and Moore - **Relating to the Center for Nursing** - Introduced 2/26/13 - To Health and Human Resources then Finance - To House Finance 3/21/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Health and Human Resources then Education - To Health and Human Resources 4/4/13 - To Education 4/9/13 - Amended - Passed Senate 4/13/13 - Title amended - Senate requests return of bill from House - Senate reconsidered passage of bill - Senate reconsidered action - Amended - Passed Senate with amended title 4/13/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 5/1/13 - Vetoed by Governor 5/3/13
- *2747. By Del. Morgan, Stephens, Caputo and Craig - **Relating to Open Governmental Proceedings** - Introduced 2/27/13 - To Government Organization then Judiciary - To House Judiciary 3/1/13 - Passed House 3/13/13 - To Senate 3/14/13 - To Government Organization then Judiciary - To Government Organization 3/14/13 - On 2nd reading to Judiciary 4/9/13 - Amended - Passed Senate 4/13/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 143, Acts, 2013
- *2754. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Relating to further defining a retailer engaging in business in this state for**

- purposes of sales and use taxes** (Original same as S. B. No. 377) - Introduced 2/27/13 - To Finance - Laid over until 4/1/13 - Passed House 4/1/13 - To Senate 4/2/13 - To Finance 4/2/13 - Passed Senate 4/13/13 - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 193, Acts, 2013
- *2759. By Del. Stagers, Perry, Phillips, L., Phillips, R., Tomblin, Stowers, Eldridge, Moye, Poling, M., Marcum and White - **Relating to standards for emergency medical service personnel** - Introduced 2/27/13 - To Health and Human Resources then Finance - To House Finance 3/7/13 - Passed House 4/1/13 - To Senate 4/2/13 - To Government Organization 4/2/13 - On 2nd reading to Finance 4/10/13
- *2760. By Del. Phillips, R., Eldridge, Miley, Boggs, White, Marcum, Stowers, O'Neal, Hartman, Hamilton and Tomblin - **Creating a uniform regulation of firearms, ammunition, and firearm accessories** - Introduced 2/28/13 - To Judiciary - Passed House 3/11/13 - To Senate 3/12/13 - To Government Organization then Judiciary - To Government Organization 3/12/13
- *2762. By Del. Miley and Manchin - **Creating an exemption from licensure as an adjuster for certain individuals who conduct data entry into an automated claims adjudication system** (Original same as S. B. No. 399) - Introduced 2/28/13 - To Banking and Insurance then Judiciary - To House Judiciary 3/7/13 - Passed House 3/18/13 - To Senate 3/19/13 - To Banking and Insurance then Judiciary - To Banking and Insurance 3/19/13 - 2nd reference dispensed - Amended - Passed Senate with amended title 4/12/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 106, Acts, 2013
- *2764. By Del. Lawrence, Poling, M. and Stowers - **Relating to compulsory school attendance** - Introduced 2/28/13 - To Education - Passed House 3/8/13 - To Senate 3/11/13 - To Education 3/11/13 - Passed Senate 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 66, Acts, 2013
- *2766. By Del. Iaquina, Fragale, Boggs, Ellington, Poling, M., Pethel, Ferro, Miley, Perdue, Evans, A. and Perry - **Creating the "West Virginia Winner" program** - Introduced 3/1/13 - To Health and Human Resources then Finance - To House Finance 3/12/13 - Amended - Passed House 4/1/13 - To Senate 4/2/13 - To Finance 4/2/13
2770. By Del. Caputo, Longstreth, Manchin and Stagers - **Permitting dealers who sell fewer than eighteen new or used motor vehicles during a year to have their dealer licenses renewed** - Introduced 3/1/13 - To Roads and Transportation then Finance - To House Judiciary 3/7/13 - Passed House 3/18/13 - To Senate 3/19/13 - To Transportation and Infrastructure then Government Organization - To

Transportation and Infrastructure 3/19/13 - 2nd reference dispensed - Passed Senate 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 132, Acts, 2013

- *2778. By Del. Perry, Eldridge, Williams, Moye, Staggers, Pino, Marshall, Perdue, Poore, Pasdon and Cowles - **Defining alternative nicotine products and electronic cigarettes** (Original same as S. B. No. 389) - Introduced 3/1/13 - To Health and Human Resources then Judiciary - To House Judiciary 3/12/13 - Passed House 3/29/13 - To Senate 4/1/13 - To Health and Human Resources then Judiciary - To Health and Human Resources 4/1/13
2780. By Del. Miley, Skinner, Poore, Manchin, Hunt and Barill - **Relating generally to multidisciplinary team meetings for juveniles committed to the custody of the West Virginia Division of Juvenile Services** (Original same as S. B. No. 415) - Introduced 3/1/13 - To Judiciary - Passed House 3/21/13 - Title amended - To Senate 3/22/13 - To Judiciary 3/22/13 - Amended - Passed Senate with amended title 4/13/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 21, Acts, 2013
2784. By Del. Pethtel, Jones, Craig, Canterbury, Kump, Lynch and Stowers - **Relating to the Deputy Sheriff Retirement System Act** (Original same as S. B. No. 406) - Introduced 3/1/13 - To Pensions and Retirement then Finance - To House Finance 3/7/13 - Passed House 3/22/13 - Title amended - To Senate 3/25/13 - Committee reference dispensed - Passed Senate 3/28/13 - To Governor 4/5/13 - Approved by Governor 4/10/13 - Chapter 45, Acts, 2013
- *2787. By Del. Hamilton, Barill, Cadle, Ireland, Ellem, Poling, D., Perry, Canterbury, Longstreth, Evans, A. and Rowan - **Permitting family court judges and magistrates to carry concealed handguns without a permit** - Introduced 3/1/13 - To Judiciary - Passed House 4/3/13 - To Senate 4/4/13 - To Judiciary 4/4/13
2800. By Del. Pethtel, Jones, Craig, Canterbury, Kump, Lynch and Stowers - **Relating to the Teachers' Retirement System** (Original same as S. B. No. 419) - Introduced 3/4/13 - To Pensions and Retirement then Finance - To House Finance 3/21/13 - Passed House 3/27/13 - Title amended - To Senate 3/28/13 - Committee reference dispensed - Passed Senate 4/2/13 - To Governor 4/17/13 - Approved by Governor 4/19/13 - Chapter 64, Acts, 2013
- *2802. By Del. Pethtel, Jones, Craig, Canterbury, Kump, Lynch and Stowers - **Relating to the Emergency Medical Services Retirement System** (Original same as S. B. No. 418) - Introduced 3/4/13 - To Pensions and Retirement then Finance - To House Finance 3/21/13 - Passed House 3/27/13 - To Senate 3/28/13 - Committee

reference dispensed - Passed Senate 4/2/13 - To Governor 4/17/13 - Approved by Governor 4/19/13 - Chapter 92, Acts, 2013

- *2805. By Del. Manchin, Miley, Ellem, Lane, Fleischauer, Manypenny, Guthrie, Caputo, Reynolds, White and Skinner - **Making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program** (Original same as S. B. No. 413) - Introduced 3/4/13 - To Judiciary then Finance - To House Finance 3/13/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Judiciary 4/4/13 - Referred to Finance 4/9/13 - Passed Senate 4/13/13 - Senate requests return of bill from House - Effective from passage - Senate requests House to concur in changed effective date 4/13/13 - Effective from passage - To Governor 4/29/13 - Approved by Governor 5/1/13 - Chapter 70, Acts, 2013
- *2806. By Del. Perry, Moore, Barill, Campbell, Pino, Staggers, Morgan and Poling, M. - **Relating to administrative remedies for prisoners generally** (Original same as S. B. No. 416) - Introduced 3/4/13 - To Judiciary - Passed House 4/3/13 - To Senate 4/4/13 - To Judiciary 4/4/13 - Amended - Passed Senate with amended title 4/12/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 40, Acts, 2013
- *2809. By Del. Poore, Sobonya, Skinner, Morgan, Moye, Poling, D., Campbell, Hartman, Guthrie, Ellem and Miller - **Authorizing the Division of Corrections to implement a responsible parent program pilot project** (Original same as S. B. No. 494 - similar to S. B. No. 609) - Introduced 3/4/13 - To Judiciary - Passed House 3/27/13 - To Senate 3/28/13 - To Judiciary then Finance - To Judiciary 3/28/13 - To Finance 4/4/13
2814. By Del. Fleischauer, Poore, Guthrie, Moore, Sobonya, Hunt, Longstreth, Phillips, L., Marshall, Manchin and Wells - **Relating to human trafficking** - Introduced 3/4/13 - To Judiciary - Passed House 3/22/13 - To Senate 3/25/13 - To Judiciary 3/25/13 - Amended - Amended on 3rd reading - Passed Senate 4/13/13 - Title amended - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/17/13 - Vetoed by Governor 4/17/13 - House amended and repassed to meet the objections of the Governor 4/17/13 - Senate concurred in House amendment 4/17/13 - Passed Senate 4/17/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 101, Acts, 2013
- *2815. By Del. Miley, Fleischauer, Skinner, Shott and Barill - **Clarifying and modifying the process of appointing and terminating guardians for minors** (Original same as S. B. No. 382) - Introduced 3/5/13 - To Judiciary - Passed House 3/21/13 - To Senate 3/22/13 - To Judiciary 3/22/13 - Passed Senate with amended title 4/10/13 - Senate requests return of bill from House - Title amended - House concurred in

Senate title amendment 4/11/13 - Passed House 4/11/13 - To Governor 4/17/13 - Approved by Governor 4/22/13 - Chapter 131, Acts, 2013

- *2819. By Del. Guthrie, Hartman, Ashley and Walters - **Relating to the financial oversight of entities regulated by the Insurance Commissioner** (Original same as S. B. No. 328) - Introduced 3/5/13 - To Banking and Insurance then Judiciary - To House Judiciary 3/7/13 - Passed House 3/18/13 - To Senate 3/19/13 - To Banking and Insurance then Judiciary - To Banking and Insurance 3/19/13 - 2nd reference dispensed - Passed Senate 4/12/13 - To Governor 4/25/13 - Approved by Governor 4/30/13 - Chapter 108, Acts, 2013
- *2825. By Del. Perdue, Perry, Ferns, Morgan, Poling, M., Staggers, White and Williams - **Relating to certain appointive state officers salaries** - Introduced 3/5/13 - To Government Organization then Finance - To House Finance 3/22/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Government Organization then Finance - To Government Organization 4/4/13 - To Finance 4/9/13 - Amended - Passed Senate 4/13/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 170, Acts, 2013
- *2836. By Del. Boggs, White, Lane and Ellem - **Allowing certain Commission on Special Investigations personnel the right to carry firearms** - Introduced 3/6/13 - To Judiciary - Passed House 4/3/13 - Effective from passage - To Senate 4/4/13 - To Judiciary 4/4/13 - Passed Senate 4/13/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 179, Acts, 2013
- *2837. By Del. Boggs, White, Reynolds, Hunt, Guthrie, Perdue, Pethtel, Williams, Manypenny, Phillips, R. and Skaff - **Amending various provisions of the Code affecting the Treasurer's Office** (Original same as S. B. No. 432) - Introduced 3/6/13 - To Pensions and Retirement then Finance - To House Finance 3/14/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Finance 4/4/13 - Amended - Passed Senate with amended title 4/13/13 - House concurred in Senate amend with amend, passed bill 4/13/13 - Senate concurred in House amendment and passed bill 4/13/13 - To Governor 4/29/13 - Approved by Governor 5/2/2013 - Chapter 202, Acts, 2013
2842. By Del. Boggs, Swartzmiller, Ferro, Caputo and Poling, D. - **Clarifying that time-sharing plans, accommodations and facilities are subject to regulation by the Division of Land Sales and Condominiums** - Introduced 3/6/13 - To Judiciary - Passed House 3/21/13 - To Senate 3/22/13 - To Government Organization then Judiciary - To Government Organization 3/22/13 - On 2nd reading to Judiciary 4/9/13 - Passed Senate 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 78, Acts, 2013

2847. By Del. Boggs, Swartzmiller, Ferro, Caputo and Poling, D. - **Relating to the collection of delinquent real property and personal property taxes** - Introduced 3/6/13 - To Judiciary then Finance - 2nd reference dispensed - Passed House 3/18/13 - To Senate 3/19/13 - To Judiciary 3/19/13 - Amended - Passed Senate 4/13/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 198, Acts, 2013
- *2848. By Del. Boggs, Swartzmiller, Ferro, Caputo and Poling, D. - **Providing the process for requesting a refund after forfeiture of rights to a tax deed** - Introduced 3/6/13 - To Judiciary then Finance - To House Finance 3/8/13 - Passed House 3/22/13 - To Senate 3/25/13 - To Judiciary 3/25/13 - Passed Senate 4/13/13 - Title amended - Senate requests return of bill from House - Title amended - House concurred in Senate title amendment 4/13/13 - Passed House 4/13/13 - House concurred in Senate amend with amend, passed bill 4/13/13 - Senate concurred in House amendment to Senate amendment 4/13/13 - Passed Senate 4/13/13 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 199, Acts, 2013
- *2849. By Del. Boggs, Swartzmiller, Ferro, Caputo and Poling, D. - **Relating to audits and investigations by the chief inspector of public offices** - Introduced 3/6/13 - To Government Organization then Judiciary - To House Government Organization 3/6/13 - To House Judiciary 3/22/13 - Amended - Passed House 4/3/13 - Title amended - To Senate 4/4/13 - To Government Organization then Judiciary - To Government Organization 4/4/13 - On 2nd reading to Judiciary 4/9/13
2851. By Del. Boggs, Ashley, Poling, D., Caputo and Swartzmiller - **Establishing a one time audit cost amnesty program for local governments with delinquent audit costs** (Original same as S. B. No. 600) - Introduced 3/6/13 - To Political Subdivisions then Finance - To House Finance 3/14/13 - Passed House 3/29/13 - To Senate 4/1/13 - To Government Organization then Finance - To Government Organization 4/1/13 - To Finance 4/4/13 - Passed Senate 4/13/13 - To Governor 4/29/13 - Approved by Governor 5/1/13 - Chapter 14, Acts, 2013
- *2858. By Del. White, Cowles, Andes, Boggs, Phillips, R., Marcum, Skaff, Craig and Storch - **Relating generally to consumer rate relief bonds** - Introduced 3/7/13 - To Finance - Passed House 3/22/13 - Effective from passage - To Senate 3/25/13 - To Judiciary then Finance - To Judiciary 3/25/13 - 2nd reference dispensed - Passed Senate 4/9/13 - Effective from passage - To Governor 4/17/13 - Approved by Governor 4/22/13 - Chapter 162, Acts, 2013
2861. By Del. Pasdon, Poling, M., Barill, Marshall, Frich and Fleischauer - **Relating to continued enrollment of at-risk student in public school** - Introduced 3/7/13 - To Education then Finance - 2nd reference dispensed - Passed House 3/19/13 - Effective July 1, 2013 - To Senate 3/20/13 - To Education 3/20/13 - Amended -

Passed Senate with amended title 4/13/13 - Effective July 1, 2013 - House concurred in Senate amendment and passed 4/13/13 - Effective July 1, 2013 - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 57, Acts, 2013

- *2866. By Del. Hamilton, Evans, A., Andes, Ireland, Walker, Moye, Lynch, Smith, P., Nelson, J., Frich and Sponaugle - **Providing an exception to allow a resident of a dwelling house to discharge a firearm in a lawful manner within five hundred feet** (Original similar to S. B. No. 476) - Introduced 3/7/13 - To Natural Resources then Judiciary - To House Judiciary 3/21/13 - Passed House 4/2/13 - To Senate 4/3/13 - To Judiciary 4/3/13 - Passed Senate 4/12/13 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 84, Acts, 2013
- *2888. By Del. Miley, Fragale, Manchin, Fleischauer, Longstreth and Caputo - **Allowing members of a policemen's civil service commission to serve on other local boards and commissions** - Introduced 3/11/13 - To Government Organization then Judiciary - To House Judiciary 3/22/13 - Passed House 4/1/13 - To Senate 4/2/13 - To Government Organization 4/2/13 - Passed Senate 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 147, Acts, 2013
- *2897. By Del. Marshall, Iaquina, Williams, Anderson, Evans, A., Pethtel, White, Fleischauer and Barill - **Declaring certain claims against the state and its agencies to be moral obligations of the state** - Introduced 3/11/13 - To Finance - Passed House 4/3/13 - Effective from passage - To Senate 4/4/13 - To Finance 4/4/13 - Passed Senate 4/13/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 25, Acts, 2013
- *2913. By Del. White and Marcum - **Specifying procedures for adjusting payments to correct for an erroneous distribution of moneys dedicated, distributed or directed to a state or local governmental subdivision** (Original same as S. B. No. 439) - Introduced 3/12/13 - To Judiciary then Finance - To House Finance 3/18/13 - Passed House 3/28/13 - To Senate 3/29/13 - To Finance 3/29/13 - Amended - Passed Senate with amended title 4/12/13 - House concurred in Senate amendment and passed 4/12/13 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 187, Acts, 2013
- *2923. By Del. Moore, Hartman, Nelson, E., Ferns and Ashley - **Relating to directors of state-chartered banking institutions** (Original same as S. B. No. 506) - Introduced 3/13/13 - To Banking and Insurance then Finance - To House Finance 3/21/13 - Passed House 3/29/13 - To Senate 4/1/13 - Committee reference dispensed - Passed Senate 4/9/13 - To Governor 4/17/13 - Approved by Governor 4/22/13 - Chapter 15, Acts, 2013
2933. By Del. Phillips, L., Smith, P., Marcum, Barill, White, Moye, Skinner and Poore - **Providing notification to a prosecuting attorney of an offender's parole**

- hearing and release** - Introduced 3/14/13 - To Judiciary - Passed House 3/22/13 - To Senate 3/25/13 - To Judiciary 3/25/13 - Amended - Passed Senate with amended title 4/13/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 4/29/13 - Chapter 44, Acts, 2013
- *2940. By Del. Poling, M., Stowers, Pasdon, Moye and Perry - **Relating to regional meetings among certain officials of county boards of education** - Introduced 3/14/13 - To Education - Passed House 4/1/13 - To Senate 4/2/13 - Committee reference dispensed - Passed Senate 4/9/13 - To Governor 4/17/13 - Approved by Governor 4/18/13 - Chapter 59, Acts, 2013
- *2945. By Mr. Speaker (Mr. Thompson), Del. Caputo, Boggs, Lynch, Young, Skinner, Tomblin, Barrett, Sponaugle, White and Miley - **Relating to the distribution of state funds to volunteer fire departments** - Introduced 3/15/13 - To Finance - Passed House 3/27/13 - Effective from passage - To Senate 3/28/13 - To Finance 3/28/13
2954. By Del. Caputo, Tomblin, Phillips, R. and Marcum - **Requiring that members of the Mine Safety Technology Task Force are paid the same compensation as members of the Legislature** - Introduced 3/18/13 - To Energy, Industry and Labor, Economic Development and Small Business then Finance - To House Finance 3/27/13 - Passed House 4/2/13 - Effective from passage - To Senate 4/3/13 - To Energy, Industry and Mining then Finance - To Energy, Industry and Mining 4/3/13 - On 2nd reading to Finance 4/10/13
2956. By Del. Miley, Boggs, Manchin, Marcum, Ferro, Reynolds and Ashley - **Relating to resident brewers and brewpubs** - Introduced 3/18/13 - To Judiciary - Passed House 3/29/13 - Title amended - To Senate 4/1/13 - To Judiciary 4/1/13 - Amended - Passed Senate 4/13/13 - Title amended - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 139, Acts, 2013
- *2960. By Del. Guthrie, Hartman and Manchin - **Providing for internal and external review of adverse health coverage determinations** (Original same as S. B. No. 518) - Introduced 3/18/13 - To Banking and Insurance then Judiciary - To House Judiciary 3/21/13 - Amended - Passed House 4/3/13 - To Senate 4/4/13 - To Banking and Insurance then Judiciary - To Banking and Insurance 4/4/13 - 2nd reference dispensed - Amended - Passed Senate with amended title 4/12/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 5/1/13 - Chapter 107, Acts, 2013
- *2964. By Del. Lawrence, Skaff, Caputo, Diserio, Skinner, Phillips, R., Sponaugle and Westfall - **Authorizing the mayor to appoint chiefs of police and deputy chiefs**

- of police** - Introduced 3/19/13 - To Political Subdivisions then Judiciary - To House Judiciary 3/21/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Government Organization then Judiciary - To Government Organization 4/4/13 - On 2nd reading to Judiciary 4/9/13 - Amended - Passed Senate 4/13/13 - Title amended - House refused to concur and requested Senate to recede 4/13/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 136, Acts, 2013
- *2966. By Del. Skinner, Lawrence, Barrett, Young, Sponaugle, Lynch, Tomblin, Eldridge, Poore, Marcum and Caputo - **Relating to employment and privacy protection** - Introduced 3/19/13 - To Judiciary - Passed House 4/1/13 - To Senate 4/2/13 - To Judiciary 4/2/13
2968. By Del. Boggs and Young - **Authorizing the use of an additional medium for use in archiving the records** - Introduced 3/19/13 - To Judiciary - Passed House 4/3/13 - To Senate 4/4/13 - To Government Organization 4/4/13 - Passed Senate 4/12/13 - Senate requests return of bill from House - Effective July 1, 2013 - Senate requests House to concur in changed effective date 4/12/13 - House concurred in Senate effective date 4/12/13 - Effective July 1, 2013 - To Governor 4/25/13 - Approved by Governor 4/29/13 - Chapter 180, Acts, 2013
- *2979. By Del. Boggs, Skaff, Nelson, E., White, Morgan, Poling, M. and Miley - **Relating to broadband deployment projects** (Original same as S. B. No. 556) - Introduced 3/19/13 - To Finance - Passed House 4/2/13 - To Senate 4/3/13 - To Government Organization then Finance - To Government Organization 4/3/13 - 2nd reference dispensed - Passed Senate 4/11/13 - Title amended - House concurred in Senate amendment and passed 4/12/13 - To Governor 4/29/13 - Approved by Governor 4/29/13 - Chapter 18, Acts, 2013
2992. By Del. White - **Eliminating duplicative reporting requirements imposed on distributors of imported cigarettes** (Original same as S. B. No. 605) - Introduced 3/20/13 - To Judiciary then Finance - 2nd reference dispensed - Passed House 3/27/13 - To Senate 3/28/13 - To Judiciary 3/28/13 - Passed Senate 4/10/13 - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 23, Acts, 2013
- *3003. By Del. White - **Facilitating compliance with the Tobacco Master Settlement Agreement** (Original same as S. B. No. 649) - Introduced 3/20/13 - To Judiciary then Finance - To House Finance 3/22/13 - Passed House 3/29/13 - To Senate 4/1/13 - To Judiciary 4/1/13 - Passed Senate 4/10/13 - To Governor 4/17/13 - Approved by Governor 4/22/13 - Chapter 201, Acts, 2013
3013. By Mr. Speaker (Mr. Thompson), Del. Boggs, Swartzmiller, Caputo, Miley, Poling, M., White, Perdue, Morgan, Moye and Poling, D. - **Authorizing the establishment**

- of job creation work groups** (Original same as S. B. No. 653) - Introduced 3/20/13 - To Finance - Passed House 3/27/13 - To Senate 3/28/13 - Committee reference dispensed - Passed Senate 4/1/13 - To Governor 4/5/13 - Approved by Governor 4/10/13 - Chapter 122, Acts, 2013
- *3020. By Del. Miley, Iaquinta, Longstreth, Guthrie, White, Boggs, Caputo, Skaff, Smith, P., Moye and Ferro - **Improving boat dock and marina safety** - Introduced 3/21/13 - To Judiciary then Finance - To House Finance 3/22/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Natural Resources then Judiciary - To Natural Resources 4/4/13 - To Judiciary 4/10/13 - Amended - Passed Senate 4/13/13 - Title amended - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 17, Acts, 2013
3028. By Del. Staggers, Poling, D., Pethtel, Paxton and Smith, P. - **Expanding the number of hours temporary state personnel may work in a calendar year** (Original same as S. B. No. 599) - Introduced 3/21/13 - To Government Organization then Finance - To House Finance 3/28/13 - Passed House 4/3/13 - Effective from passage - To Senate 4/4/13 - Committee reference dispensed - Passed Senate 4/9/13 - Effective from passage - To Governor 4/17/13 - Approved by Governor 4/22/13 - Chapter 24, Acts, 2013
3043. By Mr. Speaker (Mr. Thompson), Del. Craig, Hunt, Marcum, Caputo, Ferro, Phillips, R., Williams and Boggs - **Including methane monitoring equipment as eligible safety equipment for tax credit purposes** - Introduced 3/22/13 - To Finance - Amended - Passed House 4/2/13 - To Senate 4/3/13 - To Energy, Industry and Mining then Finance - To Energy, Industry and Mining 4/3/13 - On 2nd reading to Finance 4/10/13 - Passed Senate 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 189, Acts, 2013
- *3058. By Del. White, Ireland, Craig, Phillips, R., Anderson, Miley and Morgan - **Relating to the valuation of motor vehicles for purposes of ad valorem property taxes** (Original similar to S. B. No. 550) - Introduced 3/22/13 - To Roads and Transportation then Finance - To House Finance 3/27/13 - Amended - Passed House 4/3/13 - Title amended - To Senate 4/4/13 - To Transportation and Infrastructure then Finance - To Transportation and Infrastructure 4/4/13
- *3060. By Del. Boggs, Manchin and Miley - **Authorizing the Oil and Gas Conservation Commission to regulate the horizontal deep wells** - Introduced 3/22/13 - To Judiciary - Passed House 4/3/13 - To Senate 4/4/13 - To Energy, Industry and Mining then Judiciary - To Energy, Industry and Mining 4/4/13 - To Judiciary 4/10/13
- *3062. By Del. Williams, Evans, A., Craig, Hartman and Phillips, R. - **Removing the cap for collections into the land division special revenue account of the Department**

- of Agriculture** - Introduced 3/22/13 - To Agriculture then Finance - To House Finance 3/27/13 - Passed House 4/3/13 - Effective from passage - To Senate 4/4/13 - To Agriculture and Rural Development then Finance - To Agriculture and Rural Development 4/4/13 - To Finance 4/9/13
3065. By Del. Manypenny - **Transferring land located in the Western District, Taylor County, West Virginia, from the State of West Virginia to the Taylor County Commission** - Introduced 3/22/13 - To Political Subdivisions then Judiciary - To House Judiciary 3/27/13 - Constitutional Rule dispensed - Passed House 4/2/13 - To Senate 4/3/13 - To Agriculture and Rural Development then Government Organization - To Agriculture and Rural Development 4/3/13
- *3069. By Del. Miley, Manchin, Hunt, Poore, Sponaugle, Skinner, Ellem and Lane - **Relating to access to justice** (Original same as S. B. No. 606) - Introduced 3/22/13 - To Judiciary then Finance - To House Finance 3/26/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Judiciary 4/4/13 - Passed Senate 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 209, Acts, 2013
- *3072. By Del. Hunt, Marcum, Phillips, R. and Williams - **West Virginia coal employment enhancement act** - Introduced 3/22/13 - To Energy, Industry and Labor, Economic Development and Small Business then Finance - To House Finance 3/27/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Energy, Industry and Mining then Finance - To Energy, Industry and Mining 4/4/13 - On 2nd reading to Finance 4/10/13
- *3086. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Relating to juvenile services and criminal justice institutions** (Original same as S. B. No. 610) - Introduced 3/25/13 - To Judiciary - Passed House 4/1/13 - Effective July 1, 2013 - To Senate 4/2/13 - Committee reference dispensed - Amended - Passed Senate with amended title 4/9/13 - Effective July 1, 2013 - House concurred in Senate amendment and passed 4/10/13 - Effective July 1, 2013 - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 39, Acts, 2013
3104. By Del. Poling, M. and Stowers - **Authorizing certain legislative rules regarding higher education** - Introduced 3/25/13 - To Education - Passed House 4/1/13 - Effective from passage - To Senate 4/2/13 - To Education 4/2/13 - Passed Senate 4/9/13 - Effective from passage - To Governor 4/17/13 - Approved by Governor 4/18/13 - Chapter 97, Acts, 2013
3112. By Del. Raines, Lane, Miley, Overington and Poore - **Relating to compensation awards to victims of crimes** (Original same as S. B. No. 643) - Introduced 3/25/13 - To Judiciary then Finance - To House Finance 3/27/13 - Passed House 4/3/13 - Title amended - To Senate 4/4/13 - To Finance 4/4/13

- *3135. By Del. Marcum, Phillips, R., Sponaugle, Manypenny, Longstreth and Skinner - **Relating generally to voting system certification and procedures at the central counting center** (Original same as S. B. No. 650) - Introduced 3/25/13 - To Judiciary - Passed House 4/2/13 - To Senate 4/3/13 - To Judiciary 4/3/13 - Amended - Passed Senate with amended title 4/12/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 74, Acts, 2013
- *3139. By Del. Sponaugle, Phillips, R., Manypenny and Longstreth - **Authorizing qualified investigators employed by the Secretary of State to carry a firearm and concealed weapon** - Introduced 3/25/13 - To Judiciary - Passed House 4/3/13 - Effective from passage - To Senate 4/4/13 - To Judiciary 4/4/13 - Amended - Passed Senate with amended title 4/13/13 - Effective from passage - House refused to concur and requested Senate to recede 4/13/13 - Senate receded and passed 4/13/13 - Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 71, Acts, 2013
- *3145. By Del. Miley, Manchin, Ferro, Wells and Skinner - **Removing the existing maximum quantities of beer that retailers can sell for off premises** - Introduced 3/25/13 - To Judiciary then Finance - To House Finance 3/27/13 - Passed House 4/2/13 - To Senate 4/3/13 - To Judiciary 4/3/13 - Passed Senate 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/1/13 - Chapter 141, Acts, 2013
- *3157. By Del. Poling, M., Stowers, Lawrence, Williams, Perry, Pethtel, Tomblin, Young, Pasdon, Evans, D. and Westfall (Originating in House Education) - **Restoring the authority, flexibility, and capacity of schools and school systems to improve student learning** - Introduced 3/25/13 - To House Finance 3/25/13 - Amended - Passed House 4/3/13 - Effective July 1, 2013 - To Senate 4/4/13 - To Education then Finance - To Education 4/4/13 - On 2nd reading to Finance 4/9/13 - Amended - Passed Senate 4/13/13 - Title amended - Effective July 1, 2013 - House concurred in Senate amendment and passed 4/13/13 - Effective July 1, 2013 - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 56, Acts, 2013
3158. By Del. Poling, M., Stowers, Perry, Williams, Campbell, Pethtel, Walker, Lawrence, Pasdon, Sumner and Rowan (Originating in House Education) - **Relating to legislative oversight of education system performance and progress** - Introduced 3/25/13 - Passed House 3/28/13 - To Senate 3/29/13 - To Education 3/29/13
3159. By Del. Poling, M., Stowers, Young, Perry, Williams, Barill, Pethtel, Lawrence, Pasdon, Ambler and Cooper (Originating in House Education) - **Granting exceptions from certain compulsory attendance statutes to the Monroe and Nicholas County school systems** - Introduced 3/27/13 - Passed House 4/1/13 -

Effective from passage - To Senate 4/2/13 - To Education 4/2/13 - Passed Senate 4/10/13 - Effective from passage - To Governor 4/22/13 - Approved by Governor 4/22/13 - Chapter 63, Acts, 2013

3160. By Del. Walker, Stowers, Barill, Cooper, Campbell, Lawrence, Young, Tomblin, Hamrick, Espinosa and Westfall (Originating in House Education) - **Providing for a pilot initiative on governance of schools jointly established by adjoining counties** - Introduced 3/28/13 - Passed House 4/2/13 - To Senate 4/3/13 - To Education 4/3/13 - Amended - Passed Senate 4/13/13 - House concurred in Senate amendment and passed 4/13/13 - To Governor 4/17/13 - Vetoed by Governor 4/17/13 - House amended and repassed to meet the objections of the Governor 4/17/13 - Senate concurred in House amendment 4/17/13 - Passed Senate 4/17/13 - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 60, Acts, 2013
3161. By Del. White, Marshall, Iaquinta, Cowles, Miller, Phillips, R., Phillips, L., Nelson, E. and Perdue (Originating in House Finance) - **Repealing section relating to additional fee to be collected for each marriage license issued** - Introduced 3/29/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Judiciary then Finance - To Judiciary 4/4/13 - To Finance 4/9/13 - Passed Senate 4/13/13 - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 29, Acts, 2013
3162. By Del. White, Williams, Marshall, Iaquinta, Skaff, Guthrie, Craig, Phillips, R., Miller, Walters and Nelson, E. (Originating in House Finance) - **Expanding the eligible recipients of matching funds to include West Virginia State University in certain circumstances, and modifying criteria for eligibility** (Original similar to S. B. No. 560) - Introduced 3/29/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Education then Finance - To Education 4/4/13
3163. By Del. White, Reynolds, Canterbury, Walters, Phillips, L., Storch, Gearheart, Perdue and Anderson (Originating in House Finance) - **Requiring all debt obligations of the West Virginia parkways authority to be satisfied by February 1, 2020** - Introduced 3/29/13 - Passed House 4/3/13 - To Senate 4/4/13 - To Transportation and Infrastructure then Finance - To Transportation and Infrastructure 4/4/13

HOUSE CONCURRENT RESOLUTIONS ADOPTED BY HOUSE AND COMMUNICATED TO SENATE

1. By Mr. Speaker (Mr. Thompson) - **Raising a Joint Assembly to open and publish election returns** - Introduced 1/9/13 - Reference dispensed - Adopted by House 1/9/13 - To Senate 1/9/13 - Committee reference dispensed - Adopted by Senate 1/9/13

2. By Mr. Speaker (Mr. Thompson) - **Providing for an adjournment of the Legislature until February 13, 2013** - Introduced 1/9/13 - Reference dispensed - Adopted by House 1/9/13 - To Senate 1/9/13 - Committee reference dispensed - Adopted by Senate 1/9/13
3. By Mr. Speaker (Mr. Thompson) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Introduced 2/13/13 - Reference dispensed - Adopted by House 2/13/13 - To Senate 2/13/13 - Committee reference dispensed - Adopted by Senate 2/13/13
- *4. By Del. Phillips, R. and Tomblin - **The "USMC CPL Larry G. Curnutte Memorial Bridge"** - Introduced 2/13/13 - To Rules - Adopted by House 3/18/13 - To Senate 3/19/13 - To Transportation and Infrastructure 3/19/13
- *5. By Del. Phillips, R. and Tomblin - **The "Edward I. Eiland Bridge"** - Introduced 2/13/13 - To Rules - Adopted by House 3/8/13 - To Senate 3/11/13 - To Transportation and Infrastructure 3/11/13
6. By Del. Phillips, R. and Tomblin - **The "Sergeant Elzie Mundy, Jr. Bridge"** - Introduced 2/13/13 - To Rules - Adopted by House 3/18/13 - To Senate 3/19/13 - To Transportation and Infrastructure 3/19/13
- *7. By Del. Barill, Hunt, Fleischauer, Pino, Manypenny, Wells, Diserio, Howell, Jones, Manchin, Marshall, Moore, Paxton, Perry, Pethel, Poling, D. and Swartzmiller - **The "County Sheriff Sgt. Michael Todd May Memorial Bridge"** - Introduced 2/13/13 - To Rules - Adopted by House 3/26/13 - To Senate 3/27/13 - To Transportation and Infrastructure 3/27/13 - Adopted by Senate 4/13/13
- *8. By Mr. Speaker (Mr. Thompson) and Del. Perdue - **The "U.S. Army S/Sgt. E. J. A. Maynard Memorial Bridge"** - Introduced 2/13/13 - To Rules - Adopted by House 3/21/13 - To Senate 3/22/13 - To Transportation and Infrastructure 3/22/13 - Adopted by Senate 4/13/13
- *9. By Del. Hamilton and Lynch - **The "Garry Lee Burgess Memorial Bridge"** - Introduced 2/10/13 - To Rules - Adopted by House 3/8/13 - To Senate 3/11/13 - To Transportation and Infrastructure 3/11/13 - Adopted by Senate 4/13/13
- *10. By Del. Hamilton - **The "Staff Sergeant Lesley Wayne Reed US Army Memorial Bridge"** - Introduced 2/13/13 - To Rules - Adopted by House 3/20/13 - To Senate 3/21/13 - To Transportation and Infrastructure 3/21/13 - Adopted by Senate 4/13/13

11. By Del. Walker, Barill, Campbell, Craig, Ferro, Fleischauer, Guthrie, Hamilton, Hartman, Hunt, Iaquina, Ireland, Jones, Lawrence, Longstreth, Manchin, Marcum, Marshall, Moore, Overington, Pasdon, Paxton, Perdue, Perry, Pethel, Pino, Poling, D., Reynolds, Smith, P., Stowers, Swartzmiller, Wells, White and Williams - **Requesting the State of West Virginia to annually recognize August 16 as "Airborne Day" in West Virginia** - Introduced 2/13/13 - To Rules - Adopted by House 3/25/13 - To Senate 3/26/13 - To Government Organization 3/26/13 - Adopted by Senate 4/5/13
12. By Del. Walker, Mr. Speaker (Mr. Thompson), Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border, Butler, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Craig, Diserio, Eldridge, Ellem, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Ferns, Ferro, Fleischauer, Folk, Fragale, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Iaquina, Ireland, Jones, Kump, Lane, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, McCuskey, Miley, Miller, Moore, Morgan, Moye, Nelson, E., Nelson, J., O'Neal, Overington, Pasdon, Paxton, Perdue, Perry, Pethel, Phillips, L., Phillips, R., Pino, Poling, D., Poling, M., Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, Smith, P., Smith, R., Sobonya, Sponaugle, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Tomblin, Walters, Wells, Westfall, White, Williams and Young - **Designating the annual observance of March 31 as "West Virginia State Trooper Day"** - Introduced 2/13/13 - To Rules - Adopted by House 3/22/13 - To Senate 3/25/13 - Committee reference dispensed - Adopted by Senate 3/29/13
14. By Del. Phillips, R. and Tomblin - **The "Marine LCpl Benny A Gilco Bridge"** - Introduced 2/13/13 - To Rules - Adopted by House 3/18/13 - To Senate 3/19/13 - To Transportation and Infrastructure 3/19/13
- *15. By Del. Phillips, R. and Tomblin - **The "Curtis Emmet Lowe Bridge"** - Introduced 2/13/13 - To Rules - Adopted by House 3/8/13 - To Senate 3/11/13 - To Transportation and Infrastructure 3/11/13 - Amended - Adopted by Senate 4/13/13 - House concurred in Senate amendment and adopted 4/13/13
16. By Del. Phillips, R. and Tomblin - **The "Army Specialist-4 Harmon 'Hoppy' Lee Hopson Jr. Memorial Bridge"** - Introduced 2/13/13 - To Rules - Adopted by House 3/18/13 - To Senate 3/19/13 - To Transportation and Infrastructure 3/19/13 - Amended - Adopted by Senate 4/13/13 - House concurred in Senate amendment and adopted 4/13/13
- *17. By Del. Ashley and Walker - **The "State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Interchange"** - Introduced 2/13/13

- To Rules - Adopted by House 3/22/13 - To Senate 3/25/13 - To Transportation and Infrastructure 3/25/13 - Adopted by Senate 4/13/13
18. By Del. Hamilton - **The "Cpl. Sherald P. Brady, U.S. Army Memorial Bridge"** - Introduced 2/13/13 - To Rules - Adopted by House 3/20/13 - To Senate 3/21/13 - To Transportation and Infrastructure 3/21/13 - Adopted by Senate 4/13/13
 - *19. By Del. Hamilton - **The "Corporal Ronald Lee Kesling USMC Memorial Bridge"** - Introduced 2/13/13 - To Rules - Adopted by House 3/20/13 - To Senate 3/21/13 - To Transportation and Infrastructure 3/21/13 - Adopted by Senate 4/13/13
 20. By Del. Rowan and Cowles - **The "Army Corporal Rex Marcel Sherman Memorial Bridge"** - Introduced 2/14/13 - To Rules - Adopted by House 3/20/13 - To Senate 3/21/13 - To Transportation and Infrastructure 3/21/13 - Adopted by Senate 4/13/13
 21. By Del. Hamilton and Lynch - **The "Upshur Civil War Company 'C'Militia Memorial Highway"** - Introduced 2/14/13 - To Rules - Adopted by House 3/20/13 - To Senate 3/21/13 - To Transportation and Infrastructure 3/21/13 - Adopted by Senate 4/13/13
 - *22. By Del. Phillips, R. and Tomblin - **The "Kerry Albright Road"** - Introduced 2/14/13 - To Rules - Adopted by House 3/11/13 - To Senate 3/12/13 - To Transportation and Infrastructure 3/12/13
 24. By Mr. Speaker (Mr. Thompson), Del. Staggers, Arvon, Azinger, Barill, Barrett, Boggs, Border, Campbell, Canterbury, Craig, Diserio, Eldridge, Ellington, Faircloth, Ferns, Fleischauer, Fragale, Frich, Guthrie, Hartman, Howell, Hunt, Jones, Lawrence, Lynch, Manypenny, Marshall, Miley, Morgan, Moye, O'Neal, Pasdon, Perry, Phillips, L., Pino, Poling, D., Phillips, R., Poling, M., Poore, Rowan, Skinner, Smith, P., Sobonya, Storch, Swartzmiller, Tomblin, Walker, Wells, White, Williams and Young - **The "Rex Lane Mullins Memorial Bridge"** - Introduced 2/15/13 - To Rules - Adopted by House 3/8/13 - To Senate 3/11/13 - To Transportation and Infrastructure 3/11/13 - Adopted by Senate 4/13/13
 - *25. By Mr. Speaker (Mr. Thompson) and Del. Perdue - **The "U.S. Army CPL Fred Russell Memorial Bridge"** - Introduced 2/15/13 - To Rules - Adopted by House 3/21/13 - To Senate 3/22/13 - To Transportation and Infrastructure 3/22/13 - Adopted by Senate 4/13/13
 26. By Del. Stowers and Eldridge - **The "Army Corporal Richard D. McGhee Memorial Triangle"** - Introduced 2/15/13 - To Rules - Adopted by House 3/8/13 - To Senate 3/11/13 - To Transportation and Infrastructure 3/11/13 - Adopted by Senate 4/13/13

- *27. By Del. Stowers and Eldridge - **The "Army SSGT Arthur N. McMellon Memorial Bridge"** - Introduced 2/15/13 - To Rules - Adopted by House 3/15/13 - To Senate 3/18/13 - To Transportation and Infrastructure 3/18/13
- *28. By Del. Stowers and Eldridge - **The "Mud River Pound Punchers Highway"** - Introduced 2/15/13 - To Rules - Adopted by House 3/15/13 - To Senate 3/18/13 - To Transportation and Infrastructure 3/18/13 - Adopted by Senate 4/13/13
- *29. By Mr. Speaker (Mr. Thompson) and Del. Perdue - **The "Army Specialist-5 James R. Justice Memorial Bridge"** - Introduced 2/15/13 - To Rules - Adopted by House 3/21/13 - To Senate 3/22/13 - To Transportation and Infrastructure 3/22/13 - Adopted by Senate 4/13/13
30. By Del. Howell, Azinger, Barrett, Border, Butler, Cadle, Canterbury, Craig, Evans, A., Folk, Gearheart, Hamrick, Nelson, J., Phillips, R., Rowan, Shott, Smith, P., Smith, R., Staggers, Storch, Swartzmiller, Westfall and Williams - **The "Army Sergeant Thomas Lawrence Dunithan Memorial Highway"** - Introduced 2/15/13 - To Rules - Adopted by House 3/20/13 - To Senate 3/21/13 - To Transportation and Infrastructure 3/21/13 - Adopted by Senate 4/13/13
31. By Del. Howell, Azinger, Barrett, Border, Butler, Cadle, Canterbury, Craig, Ellem, Evans, A., Faircloth, Folk, Gearheart, Hamrick, Nelson, J., Overington, Phillips, R., Rowan, Shott, Smith, P., Smith, R., Staggers, Storch, Swartzmiller and Westfall - **The "WWII 78th Lightning Division Road"** - Introduced 2/15/13 - To Rules - Adopted by House 3/8/13 - To Senate 3/11/13 - To Transportation and Infrastructure 3/11/13 - Adopted by Senate 3/25/13
33. By Del. Caputo, Longstreth and Manchin - **The "201st Artillery Drive"** - Introduced 2/19/13 - To Rules - Adopted by House 3/8/13 - To Senate 3/11/13 - To Transportation and Infrastructure 3/11/13 - Adopted by Senate 3/29/13
- *35. By Del. Evans, A., Rowan, Azinger, Hamilton, Sumner, Hartman, Sponaugle, Howell, Romine and Faircloth - **The "Charles Eugene Kessel Memorial Bridge"** - Introduced 2/20/13 - To Rules - Adopted by House 3/21/13 - To Senate 3/22/13 - To Transportation and Infrastructure 3/22/13 - Adopted by Senate 4/13/13
- *36. By Mr. Speaker (Mr. Thompson) and Del. Perdue - **The "U.S. Army Private First Class Oscar Harper, Sr. Memorial Bridge"** - Introduced 2/21/13 - To Rules - Adopted by House 3/21/13 - To Senate 3/22/13 - To Transportation and Infrastructure 3/22/13 - Adopted by Senate 4/13/13
- *37. By Del. Pethel - **The "U.S. Army Sgt. Norman R. Cunningham Memorial Bridge"** - Introduced 2/21/13 - To Rules - Adopted by House 3/26/13 - To Senate 3/27/13 - To Transportation and Infrastructure 3/27/13

- *38. By Del. Phillips, R. and Tomblin - **The "James Darrell Mangrum Memorial Bridge"** - Introduced 2/22/13 - To Rules - Adopted by House 3/18/13 - To Senate 3/19/13 - To Transportation and Infrastructure 3/19/13 - Adopted by Senate 4/13/13
39. By Del. Longstreth, Caputo and Manchin - **The "PFC Harry Sine, Jr. Memorial Bridge"** - Introduced 2/22/13 - To Rules - Adopted by House 3/8/13 - To Senate 3/11/13 - To Transportation and Infrastructure 3/11/13 - Amended - Adopted by Senate 4/13/13 - House concurred in Senate amendment and adopted 4/13/13
40. By Del. White, Marcum, Moore and Phillips, L. - **The "Estel R. Stacy World War II Navy Veteran Memorial Bridge"** - Introduced 2/25/13 - To Rules - Adopted by House 3/15/13 - To Senate 3/18/13 - To Transportation and Infrastructure 3/18/13 - Adopted by Senate 4/13/13
- *41. By Del. White, Marcum, Moore, Phillips, R., Tomblin, Eldridge and Stowers - **The "US Army Staff Sergeant Cornelius Nebo Lackey Memorial Bridge"** - Introduced 2/25/13 - To Rules - Adopted by House 3/15/13 - To Senate 3/18/13 - To Transportation and Infrastructure 3/18/13 - Amended - Adopted by Senate 4/13/13 - House concurred in Senate amendment and adopted 4/13/13
42. By Del. White, Marcum, Phillips, R., Stowers, Eldridge, Phillips, L., Moore, Tomblin and Reynolds - **The "Mike Whitt Visionary Leadership Highway"** - Introduced 2/25/13 - Reference dispensed - Adopted by House 2/25/13 - To Senate 2/26/13 - To Transportation and Infrastructure 2/26/13 - Amended - Adopted by Senate with amended title 3/22/13 - House concurred in Senate amendment and adopted 3/25/13
43. By Del. Gearheart, Householder, Ellington, Howell, Espinosa, Staggers, Overington, Manypenny, Sumner, Moore and Paxton - **Designating "Take Me Home, Country Roads" written by John Denver, Taffy Nivert, and Bill Danoff and initially recorded by John Denver, an official state song of West Virginia** - Introduced 2/26/13 - To Rules - Adopted by House 4/13/13
44. By Mr. Speaker (Mr. Thompson), Del. Boggs, Ashley, Caputo, Craig, Ellem, Manchin, Miley, Morgan, Pasdon, Poling, D., Skaff, Smith, P., Stowers, Swartzmiller and White - **Requesting a study on the effectiveness and efficiency of the Supreme Court Rules on the Appeals process in West Virginia** - Introduced 2/27/13 - To Rules - Adopted by House 3/18/13 - To Senate 3/19/13 - To Judiciary then Rules - To Judiciary 3/19/13
45. By Del. Smith, P. - **The "Army PFC French E. Marsh Memorial Bridge"** - Introduced 2/27/13 - To Rules - Adopted by House 3/19/13 - To Senate 3/20/13 - To Transportation and Infrastructure 3/20/13 - Adopted by Senate 4/13/13

46. By Del. Smith, P. - **The "Martha Ellen Taylor & Sons Memorial Bridge"** - Introduced 2/27/13 - To Rules - Adopted by House 3/19/13 - To Senate 3/20/13 - To Transportation and Infrastructure 3/20/13 - Adopted by Senate 4/13/13
47. By Del. Hamilton, Smith, P., Skinner and Espinosa - **The "Thomas B. Dunn Memorial Highway"** - Introduced 2/27/13 - To Rules - Adopted by House 3/20/13 - To Senate 3/21/13 - To Transportation and Infrastructure 3/21/13
48. By Mr. Speaker (Mr. Thompson), Del. Marcum, White, Stowers, Eldridge, Phillips, R. and Tomblin - **The "Albert & Peggie Maynard Memorial Bridge"** - Introduced 2/27/13 - To Rules - Adopted by House 3/15/13 - To Senate 3/18/13 - To Transportation and Infrastructure 3/18/13 - Adopted by Senate 4/13/13
- *49. By Del. Border, Anderson, Armstead, Sumner, Sobonya, Miller, Evans, A., Ellem, Azinger, Poling, D., Perdue, Andes, Arvon, Ashley, Barill, Barrett, Boggs, Butler, Cadle, Canterbury, Cooper, Cowles, Craig, Eldridge, Ellington, Espinosa, Evans, D., Faircloth, Ferns, Ferro, Fleischauer, Folk, Frich, Guthrie, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Ireland, Jones, Lane, Lawrence, Longstreth, Lynch, Manypenny, Marshall, McCuskey, Miley, Moore, Nelson, J., Nelson, E., O'Neal, Overington, Pasdon, Paxton, Perry, Phillips, L., Phillips, R., Pino, Poling, M., Poore, Raines, Reynolds, Romine, Rowan, Shott, Skinner, Smith, P., Smith, R., Sponaugle, Staggers, Stephens, Storch, Stowers, Tomblin, Walker, Walters, Westfall and Young - **The "Larry W. Border Memorial Bridge"** - Introduced 3/1/13 - To Rules - Adopted by House 3/29/13 - To Senate 4/1/13 - To Transportation and Infrastructure 4/1/13 - Adopted by Senate 4/13/13
50. By Del. Storch, Ferns, Mr. Speaker (Mr. Thompson), Ambler, Anderson, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border, Butler, Cadle, Campbell, Caputo, Cooper, Cowles, Craig, Diserio, Eldridge, Ellem, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Ferro, Fleischauer, Folk, Fragale, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Iaquina, Ireland, Jones, Lane, Lawrence, Longstreth, Lynch, Manypenny, Marcum, Marshall, McCuskey, Miley, Miller, Moore, Morgan, Moye, Nelson, E., Nelson, J., O'Neal, Overington, Pasdon, Perdue, Perry, Pethel, Phillips, R., Pino, Poling, M., Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, Smith, R., Sobonya, Sponaugle, Staggers, Stephens, Stowers, Swartzmiller, Tomblin, Walker, Walters, Wells, Westfall, White, Williams and Young - **Requesting the Joint Committee on Government and Finance to schedule the June 2013 Legislative Interim Committee meetings in Wheeling during the week of June 20.** - Introduced 3/1/13 - To Rules - Adopted by House 3/22/13 - To Senate 3/25/13 - To Rules 3/25/13 - Adopted by Senate 4/12/13
51. By Del. Kump, Ellem, Rowan, Hamilton, Miller, Householder, Sumner, Ambler, Anderson, Armstead, Arvon, Ashley, Border, Butler, Cadle, Cooper, Ellington,

- Espinosa, Evans, A., Evans, D., Faircloth, Folk, Frich, Hamrick, Howell, Iaquina, Ireland, McCuskey, Nelson, J., Overington, Pasdon, Raines, Romine, Shott, Smith, R., Sobonya, Storch and Westfall - **Requesting a study on the economic impact of federal laws and regulations upon the sovereign rights of the State of West Virginia and our citizens** - Introduced 3/1/13 - To Rules - Adopted by House 4/13/13
52. By Del. Walker, Iaquina, Perry, Boggs and Fleischauer - **The "Richardson Brothers' Memorial Highway, United States Army, World War II"** - Introduced 3/1/13 - To Rules - Adopted by House 3/26/13 - To Senate 3/27/13 - To Transportation and Infrastructure 3/27/13 - Amended - Adopted by Senate 4/13/13 - House concurred in Senate amendment and adopted 4/13/13
- *53. By Del. Phillips, R. and Tomblin - **The "Oral Gene Castle Bridge"** - Introduced 3/1/13 - To Rules - Adopted by House 3/25/13 - To Senate 3/26/13 - To Transportation and Infrastructure 3/26/13
- *54. By Del. Stowers, Phillips, R., Tomblin and Eldridge - **The "Sergeant First Class Thomas Clyde Farley Memorial Bridge"** - Introduced 3/5/13 - To Rules - Adopted by House 3/8/13 - To Senate 3/11/13 - To Transportation and Infrastructure 3/11/13 - Amended - Adopted by Senate 4/13/13 - House concurred in Senate amendment and adopted 4/13/13
- *55. By Del. Campbell, Hartman, Lynch, Williams, Skaff, Phillips, L., Staggers, Poling, M. and Reynolds - **The "Trooper Brian William Linn Memorial Bridge"** - Introduced 3/5/13 - To Rules - Adopted by House 3/18/13 - To Senate 3/19/13 - To Transportation and Infrastructure 3/19/13 - Adopted by Senate 4/13/13
- *56. By Del. Faircloth, Folk, Andes, Arvon, Ashley, Azinger, Butler, Cadle, Campbell, Canterbury, Caputo, Diserio, Eldridge, Ellington, Espinosa, Evans, A., Evans, D., Ferns, Fleischauer, Frich, Gearheart, Guthrie, Hartman, Howell, Ireland, Lane, Lawrence, Longstreth, Lynch, Manypenny, McCuskey, Miller, Morgan, Nelson, E., Nelson, J., Paxton, Phillips, R., Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, Smith, P., Smith, R., Sobonya, Sponaule, Staggers, Stephens, Stowers, Swartzmiller, Tomblin, Walker, Wells and Young - **The "John Edgar Saville Memorial Bridge"** - Introduced 3/5/13 - To Rules - Adopted by House 4/10/13 - To Senate 4/11/13 - To Transportation and Infrastructure 4/11/13 - Adopted by Senate 4/13/13
- *57. By Del. Hartman and Campbell - **The "Fire Chief Lyle Ware Memorial Bridge"** - Introduced 3/6/13 - To Rules - Adopted by House 3/15/13 - To Senate 3/18/13 - To Transportation and Infrastructure 3/18/13 - Adopted by Senate 4/13/13

58. By Del. Smith, P. - **The "Marine Lance Corporal Michael Steven Garrett Memorial Bridge"** - Introduced 3/6/13 - To Rules - Adopted by House 3/19/13 - To Senate 3/20/13 - To Transportation and Infrastructure 3/20/13 - Adopted by Senate 4/13/13
59. By Del. Paxton, Poore, Smith, P., Skaff, Young, Eldridge, Fleischauer, Lynch, Sponaugle and Hartman - **The "Corporal Gerry Glen Simpson Memorial Bridge, United States Army"** - Introduced 3/7/13 - To Rules - Adopted by House 3/18/13 - To Senate 3/19/13 - To Transportation and Infrastructure 3/19/13 - Adopted by Senate 4/13/13
60. By Mr. Speaker (Mr. Thompson), Del. Marcum, White, Phillips, R., Moore, Perdue, Householder, Stowers, Tomblin, Barill and Boggs - **The "Williams S. (Bill) Croaff Memorial Bridge"** - Introduced 3/7/13 - To Rules - Adopted by House 3/15/13 - To Senate 3/18/13 - To Transportation and Infrastructure 3/18/13
62. By Del. Poling, D., Azinger, Ellem, Ambler, Armstead, Ashley, Canterbury, Caputo, Cowles, Craig, Diserio, Eldridge, Ellington, Evans, A., Evans, D., Faircloth, Ferns, Ferro, Fleischauer, Guthrie, Hamilton, Hunt, Jones, Lane, Marcum, Marshall, Miley, Moore, Morgan, Nelson, E., Pasdon, Perdue, Phillips, R., Poore, Reynolds, Romine, Smith, P., Smith, R., Stephens, Stowers, Tomblin, Walters, Wells and White - **The "Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge"** - Introduced 3/7/13 - To Rules - Adopted by House 3/21/13 - To Senate 3/22/13 - To Transportation and Infrastructure 3/22/13 - Adopted by Senate 4/13/13
63. By Del. Cadle and Butler - **The "US Army SFC James Edward Duncan Memorial Bridge"** - Introduced 3/8/13 - To Rules - Adopted by House 3/20/13 - To Senate 3/21/13 - To Transportation and Infrastructure 3/21/13 - Adopted by Senate 4/13/13
65. By Del. Skaff, Guthrie, Wells, Poore, Raines, Nelson, E., McCuskey and Hunt - **The "Jimmie Stewart Pauley Memorial Bridge"** - Introduced 3/11/13 - To Rules - Adopted by House 3/15/13 - To Senate 3/18/13 - To Transportation and Infrastructure 3/18/13 - Amended - Adopted by Senate 4/13/13 - House concurred in Senate amendment and adopted 4/13/13
66. By Del. Eldridge, Stowers, Phillips, R. and Tomblin - **The "PFC Casey West Memorial Bridge, United States Navy"** - Introduced 3/11/13 - To Rules - Adopted by House 3/25/13 - To Senate 3/26/13 - To Transportation and Infrastructure 3/26/13 - Amended - Adopted by Senate 4/13/13 - House concurred in Senate amendment and adopted 4/13/13

67. By Del. Iaquina, Miley, Fragale, Smith, P., Wells, Longstreth, Boggs, Caputo, Hamrick and Perry - **The "J. Cecil Jarvis Memorial Bridge"** - Introduced 3/11/13 - To Rules - Adopted by House 3/26/13 - To Senate 3/27/13 - To Transportation and Infrastructure 3/27/13
68. By Del. Perry, Staggers, Pino, Iaquina, Moore, Marshall and Poore - **The "Army Maj. Gen. Charles C. Rogers Memorial Bridge"** - Introduced 3/12/13 - To Rules - Adopted by House 3/18/13 - To Senate 3/19/13 - To Transportation and Infrastructure 3/19/13 - Adopted by Senate 3/25/13
69. By Del. Nelson, E., Ambler, Anderson, Andes, Armstead, Ashley, Barrett, Butler, Campbell, Canterbury, Cowles, Craig, Ellington, Evans, A., Evans, D., Ferns, Gearheart, Hartman, Householder, Howell, Ireland, Lane, McCuskey, Miley, Miller, O'Neal, Pasdon, Phillips, R., Raines, Reynolds, Skaff, Smith, P., Sobonya, Staggers, Storch, Stowers, Sumner, Walters, White and Williams - **Requesting a study on the impact of the \$200 million in economic development grants used during the Governor Wise administration** - Introduced 3/12/13 - To Rules - Adopted by House 4/13/13
72. By Del. Nelson, E., Ambler, Andes, Butler, Canterbury, Ellington, Evans, D., Gearheart, Hartman, Householder, Lane, McCuskey, Miller, Raines, Sobonya, Storch and Sumner - **Requesting a study on the impact of consolidating certain constitutional offices** - Introduced 3/12/13 - To Rules - Adopted by House 4/13/13
73. By Del. Marcum, White, Perdue, Moore and Mr. Speaker (Mr. Thompson) - **The "Nancy E. May Memorial Bridge"** - Introduced 3/13/13 - To Rules - Adopted by House 3/22/13 - To Senate 3/25/13 - To Transportation and Infrastructure 3/25/13 - Amended - Adopted by Senate 4/13/13 - House concurred in Senate amendment and adopted 4/13/13
74. By Del. Hamrick, Miley, Iaquina, Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Border, Butler, Cadle, Canterbury, Cowles, Ellem, Espinosa, Evans, D., Gearheart, Howell, Kump, Lane, McCuskey, Nelson, E., Overington, Pasdon, Raines, Shott, Smith, R., Storch, Sumner, Walters, Westfall and Williams - **The "USMC LCpl. David Lee Powell Memorial Bridge"** - Introduced 3/14/13 - To Rules - Adopted by House 3/22/13 - To Senate 3/25/13 - To Transportation and Infrastructure 3/25/13 - Adopted by Senate 4/13/13
75. By Del. Iaquina, Longstreth, Fragale, Paxton, Miley, Armstead, Manchin, O'Neal, Azinger, Hamrick and Boggs - **The "USN S2C Jack Wade and USMC PFC Don Wade Memorial Bridge"** - Introduced 3/14/13 - To Rules - Adopted by House 3/26/13 - To Senate 3/27/13 - To Transportation and Infrastructure 3/27/13 - Adopted by Senate 4/13/13

76. By Del. Fleischauer, Marshall, Barill, Longstreth, Pasdon, Manchin, Pethtel, Caputo, Manypenny, Marcum, Ambler, Arvon, Ashley, Azinger, Barrett, Border, Cadle, Campbell, Canterbury, Cooper, Diserio, Eldridge, Ellem, Ellington, Espinosa, Evans, A., Faircloth, Ferns, Ferro, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Hunt, Iaquina, Ireland, Jones, Lawrence, Lynch, McCuskey, Miley, Miller, Moore, Morgan, Moye, Nelson, E., Nelson, J., Overington, Paxton, Perdue, Perry, Phillips, L., Phillips, R., Pino, Poling, D., Poling, M., Poore, Raines, Reynolds, Romine, Rowan, Shott, Skinner, Smith, P., Smith, R., Sobonya, Sponaule, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Tomblin, Walker, Walters, Wells, White and Williams - **The "John W. Pyles Bridge"** - Introduced 3/14/13 - To Rules - Adopted by House 3/25/13 - To Senate 3/26/13 - To Transportation and Infrastructure 3/26/13
78. By Del. Iaquina, Miley, Fragale, Barill, Manchin, Caputo, Longstreth, Manypenny, Smith, P., Mr. Speaker (Mr. Thompson) and Hamrick - **The "Louis J. 'Zeke' Trupo Bridge"** - Introduced 3/15/13 - To Rules - Adopted by House 3/22/13 - To Senate 3/25/13 - To Transportation and Infrastructure 3/25/13 - Adopted by Senate 4/13/13
79. By Del. Marcum, White, Boggs, Perdue, Barrett, Tomblin, Phillips, R., Stowers, Lynch, Stephens and Reynolds - **The "Joe Curtis (Joey) Dingess Memorial Bridge"** - Introduced 3/15/13 - To Rules - Adopted by House 3/27/13 - To Senate 3/28/13 - To Transportation and Infrastructure 3/28/13 - Adopted by Senate 4/13/13
80. By Del. Eldridge, Campbell, Reynolds, Phillips, R., Stowers, Tomblin, Mr. Speaker (Mr. Thompson), Marcum, White, Craig and Perdue - **Urging the US Congress to move West Virginia from the Environmental Protection Agency's Region 3 office to the Region 4 office in Atlanta** - Introduced 3/18/13 - To Rules - Adopted by House 3/25/13 - To Senate 3/26/13 - To Energy, Industry and Mining then Judiciary - To Energy, Industry and Mining 3/26/13 - To Judiciary 4/4/13
- *81. By Del. Romine, Evans, A., Rowan and Azinger - **The "Brigadier General Timothy C. Barrick Memorial Bridge"** - Introduced 3/18/13 - To Rules - To House Rules 3/18/13 - Adopted by House 3/26/13 - To Senate 3/27/13 - To Transportation and Infrastructure 3/27/13 - Adopted by Senate 4/13/13
82. By Del. Nelson, E., Ambler, Anderson, Andes, Campbell, Canterbury, Craig, Diserio, Ellington, Evans, A., Evans, D., Ferns, Gearheart, Hartman, Householder, Howell, Ireland, Miley, Pasdon, Perdue, Phillips, R., Raines, Staggers, Walters and White - **Requesting a study of the methods to insure the long-term fiscal stability of the PROMISE scholarship program** - Introduced 3/19/13 - To Rules - Adopted by House 4/13/13

83. By Del. Caputo, Manchin, Fleischauer, Poore, Lynch, Perdue, Longstreth, Manypenny, Diserio, Jones and Swartzmiller - **Requesting a study on viable alternatives to placing children in maximum security environments** - Introduced 3/19/13 - To Rules - Adopted by House 4/4/13 - To Senate 4/5/13 - To Judiciary then Rules - To Judiciary 4/5/13
85. By Del. Moore, White, Marcum and Phillips, L. - **The "Carnie L. Spratt Memorial Bridge"** - Introduced 3/19/13 - To Rules - Adopted by House 3/27/13 - To Senate 3/28/13 - To Transportation and Infrastructure 3/28/13
87. By Del. Romine - **Requesting the Division of Highways to erect signs at the Tyler County line that read "Home of the 2011 FFA Land Judging and Homesite Evaluation National Champions"** - Introduced 3/20/13 - To Rules - Adopted by House 3/22/13 - To Senate 3/25/13 - To Transportation and Infrastructure 3/25/13 - Amended - Adopted by Senate 4/13/13 - House concurred in Senate amendment and adopted 4/13/13
89. By Del. Staggers - **The "Navy AD3 Jack Lively Memorial Bridge"** - Introduced 3/21/13 - To Rules - Adopted by House 3/27/13 - To Senate 3/28/13 - To Transportation and Infrastructure 3/28/13 - Adopted by Senate 4/13/13
91. By Mr. Speaker (Mr. Thompson) and Del. Perdue - **The "Platoon Sgt. Clifford Tomblin Highway, United States Army"** - Introduced 3/22/13 - To Rules - Adopted by House 3/27/13 - To Senate 3/28/13 - To Transportation and Infrastructure 3/28/13 - Adopted by Senate 4/13/13
92. By Del. Phillips, R., Stowers, Eldridge and Tomblin - **The "Army Corporal Randell Maynard Bridge"** - Introduced 3/22/13 - To Rules - Adopted by House 3/28/13 - To Senate 3/29/13 - To Transportation and Infrastructure 3/29/13 - Adopted by Senate 4/13/13
96. By Mr. Speaker (Mr. Thompson) and Del. Perdue - **The "Army Sgt. Paul Witman Carroll Memorial Bridge"** - Introduced 3/25/13 - To Rules - Adopted by House 3/28/13 - To Senate 3/29/13 - To Transportation and Infrastructure 3/29/13 - Amended - Adopted by Senate 4/13/13 - House concurred in Senate amendment and adopted 4/13/13
98. By Del. Guthrie, Reynolds, Manchin, Marshall, Iaquina, Moye, Poling, D. and Williams - **Requesting a study on the feasibility of obtaining a waiver of the federal requirement relating to state/federal matching highway funds based on a proposed funding model** - Introduced 3/25/13 - To Rules - Adopted by House 4/9/13 - To Senate 4/10/13 - To Rules 4/10/13

100. By Del. Fleischauer, Poore, Campbell, Barill, Diserio, Manypenny, Moyer, Marshall, Guthrie, Pasdon, Frich, Ambler, Anderson, Ashley, Barrett, Boggs, Border, Canterbury, Craig, Eldridge, Ellem, Ellington, Espinosa, Evans, A., Hartman, Hunt, Iaquina, Jones, Kump, Lawrence, Lynch, McCuskey, Miley, Moore, Morgan, Nelson, E., Perdue, Phillips, R., Poling, M., Raines, Reynolds, Skaff, Skinner, Sponaugle, Stephens, Stowers, Swartzmiller, Tomblin, Walker, White, Williams and Young - **Requesting a study of Medical Amnesty and Good Samaritan policies in other states** - Introduced 3/26/13 - To Rules - Adopted by House 4/11/13 - To Senate 4/12/13 - To Rules 4/12/13
101. By Del. Fleischauer, Sponaugle, Lynch, Skinner, Lawrence, Manypenny, Campbell, Barill, Diserio, Ferro, Sobonya, Craig, Pasdon, Anderson, Border, Ellem, Ferns, Howell, Jones, Kump, Nelson, J., Poling, D. and Shott - **Requesting a study on the legality and the potential consequences of the use of drones by public and private entities in the State** - Introduced 3/26/13 - To Rules - Adopted by House 4/11/13 - To Senate 4/12/13 - To Rules 4/12/13
- *102. By Del. Barill, Caputo, Marshall, Pasdon, Fleischauer, Manchin, Iaquina, Miley, Longstreth, Pethel and Hunt - **The "Michael A. Oliverio, Sr. Interchange"** - Introduced 3/26/13 - To Rules - Adopted by House 4/9/13 - To Senate 4/10/13 - To Transportation and Infrastructure 4/10/13 - Died On Unfinished Business
104. By Del. Walters, Ambler, Anderson, Arvon, Ashley, Barill, Border, Canterbury, Cowles, Eldridge, Ellem, Evans, D., Ferns, Hamilton, Hamrick, Hunt, Iaquina, Marcum, McCuskey, Nelson, E., Pasdon, Raines, Shott, Smith, R., Storch, Stowers, Stowers, Sumner, Stowers and Sumner - **Recognizing the many contributions made by citizens of the Republic of Azerbaijan and that it is in the best interest of the State of West Virginia to promote relationships with the Azerbaijani people** - Introduced 3/26/13 - To Rules - Adopted by House 4/4/13 - To Senate 4/5/13 - To Government Organization 4/5/13
105. By Del. Guthrie, Perdue, Marshall, Poore, Phillips, L., Reynolds, Poling, D., Iaquina, Craig and Skaff - **Requesting a study on the necessity of hiring additional fraud investigators for the Department of Health and Human Resources and the Medicaid Fraud Control Unit** - Introduced 3/28/13 - To Rules - Adopted by House 4/9/13 - To Senate 4/10/13 - To Rules 4/10/13 - Adopted by Senate 4/12/13
- *106. By Del. Walters, Andes, Craig, Smith, R., Moyer, Faircloth, Cadle, Nelson, E., Sobonya, Mr. Speaker (Mr. Thompson), Ambler, Anderson, Armstead, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border, Butler, Campbell, Canterbury, Caputo, Cooper, Diserio, Eldridge, Ellem, Ellington, Espinosa, Evans, A., Evans, D., Ferns, Ferro, Fleischauer, Folk, Frich, Gearheart, Guthrie, Hamilton, Hamrick,

Hartman, Householder, Hunt, Iaquinta, Ireland, Jones, Kump, Lane, Lawrence, Longstreth, Lynch, Manchin, Marcum, Marshall, Miley, Miller, Moore, Morgan, Nelson, J., O'Neal, Overington, Pasdon, Paxton, Perdue, Pethtel, Phillips, L., Phillips, R., Pino, Poling, D., Poling, M., Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, Smith, P., Sponaugle, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Tomblin, Walker, Wells, Westfall, White, Williams and Young - **The "O. Winston Link Trail"** - Introduced 3/28/13 - To Rules - Adopted by House 4/9/13 - To Senate 4/10/13 - To Transportation and Infrastructure 4/10/13 - Amended - Adopted by Senate 4/13/13 - House concurred in Senate amendment and adopted 4/13/13

107. By Del. Reynolds, Mr. Speaker (Mr. Thompson), Barill, Barrett, Boggs, Campbell, Caputo, Craig, Diserio, Eldridge, Ferns, Ferro, Fleischauer, Guthrie, Hartman, Hunt, Iaquinta, Jones, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, Miley, Moore, Morgan, Moye, Paxton, Perdue, Perry, Pethtel, Phillips, L., Phillips, R., Pino, Poling, D., Poling, M., Poore, Skaff, Skinner, Smith, P., Sponaugle, Staggers, Stephens, Stowers, Swartzmiller, Tomblin, Walker, Wells, White, Williams and Young - **Expressing support for the President's proposal to increase the minimum wage to \$9 per hour from \$7.25 per hour** - Introduced 3/28/13 - To Rules - Adopted by House 4/12/13 - To Senate 4/13/13 - To Rules 4/13/13
108. By Del. Eldridge, Stowers, Tomblin, Phillips, R., White and Marcum - **The "Army Specialist Fourth Class Tommy Joe Belcher Memorial Bridge"** - Introduced 3/29/13 - To Rules - Adopted by House 4/5/13 - To Senate 4/8/13 - To Transportation and Infrastructure 4/8/13 - Adopted by Senate 4/13/13
110. By Del. Westfall, Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border, Butler, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Craig, Diserio, Eldridge, Ellem, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Ferns, Ferro, Fleischauer, Folk, Frich, Gearheart, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Iaquinta, Ireland, Jones, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, McCuskey, Miley, Miller, Moore, Morgan, Moye, Nelson, E., Nelson, J., O'Neal, Overington, Pasdon, Paxton, Perdue, Perry, Phillips, L., Phillips, R., Pino, Poling, D., Poling, M., Poore, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, Smith, P., Smith, R., Sobonya, Sponaugle, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Mr. Speaker (Mr. Thompson), Tomblin, Walker, Walters, Wells, Williams and Young - **The "Boyd Leon Parsons Memorial Bridge"** - Introduced 3/29/13 - To Rules - Adopted by House 4/4/13 - To Senate 4/5/13 - To Transportation and Infrastructure 4/5/13 - Adopted by Senate 4/13/13
111. By Del. Marcum, Ambler, Barill, Barrett, Boggs, Border, Campbell, Canterbury, Craig, Diserio, Eldridge, Evans, D., Ferns, Ferro, Fleischauer, Gearheart, Guthrie,

- Hartman, Ireland, Jones, Lane, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marshall, McCuskey, Miley, Moore, Morgan, Moye, Nelson, E., Nelson, J., Perdue, Perry, Pethel, Phillips, L., Phillips, R., Pino, Poling, M., Poore, Raines, Skaff, Skinner, Smith, P., Smith, R., Sponaugle, Staggers, Stephens, Stowers, Sumner, Swartzmiller, Tomblin, Walker, Walters, Wells, White, Williams and Young - **Requesting the Division of Highways to build the bridge on County Route 65/03 located near Tug Valley High School in Naugatuck, Mingo County** - Introduced 3/29/13 - To Rules - Adopted by House 4/4/13 - To Senate 4/5/13 - To Transportation and Infrastructure 4/5/13
112. By Del. Marcum and White - **The "Army Command Sergeant Major Wade Damron Memorial Bridge"** - Introduced 3/29/13 - To Rules - Adopted by House 4/10/13 - To Senate 4/11/13 - To Transportation and Infrastructure 4/11/13 - Adopted by Senate 4/13/13
113. By Del. Fleischauer, Skinner, Manypenny, Moore, Barill, Pino, Rowan, Smith, R., Sponaugle, Sobonya, Ellington, Ambler, Arvon, Azinger, Barrett, Campbell, Canterbury, Cooper, Diserio, Eldridge, Evans, A., Faircloth, Ferns, Hamrick, Hartman, Iaquina, Marshall, Moye, Pasdon, Phillips, L., Pethel, Poling, D., Poling, M., Raines, Staggers, Storch, Stowers, Sumner and Williams - **Requesting a study on the need for and the constitutionality of a revenue surcharge designated for live adult entertainment establishments that serve alcohol** - Introduced 4/1/13 - To Rules - Adopted by House 4/11/13 - To Senate 4/12/13 - To Rules 4/12/13
118. By Mr. Speaker (Mr. Thompson), Del. Perdue, Stephens and Reynolds - **The "U.S. Marine Corps PFC Daniel L. Edwards Memorial Bridge"** - Introduced 4/4/13 - To Rules - Adopted by House 4/9/13 - To Senate 4/10/13 - To Transportation and Infrastructure 4/10/13 - Adopted by Senate 4/13/13
119. By Del. Cadle, Lynch, Folk, Cooper, Iaquina, Arvon, Westfall, Ambler, Anderson, Andes, Armstead, Ashley, Border, Butler, Canterbury, Cowles, Ellem, Espinosa, Evans, D., Gearheart, Hamrick, Howell, Lane, McCuskey, Nelson, E., O'Neal, Paxton, Raines, Smith, R., Sumner, Walters and Williams - **The U.S. Army Corporal John L. Gibbs Memorial Bridge"** - Introduced 4/4/13 - To Rules - Adopted by House 4/13/13
- *120. By Del. Ashley - **The "1st Sergeant Walter Criss Bridge, United States Army"** - Introduced 4/4/13 - To Rules - Adopted by House 4/10/13 - To Senate 4/11/13 - To Transportation and Infrastructure 4/11/13 - Amended - Adopted by Senate 4/13/13 - House concurred in Senate amendment and adopted 4/13/13
- *121. By Del. Anderson, Border, Azinger, Poling, D. and Ellem - **The "LSC (SS) Andrew Scott Mollohan Memorial Bridge"** - Introduced 4/4/13 - To Rules -

Adopted by House 4/10/13 - To Senate 4/11/13 - To Transportation and Infrastructure 4/11/13 - Amended - Adopted by Senate 4/13/13 - House concurred in Senate amendment and adopted 4/13/13

122. By Del. Perdue, Boggs and Moye - **Requesting a study of the rural health workforce in West Virginia** - Introduced 4/4/13 - Reference dispensed - Adopted by House 4/4/13 - To Senate 4/5/13 - To Health and Human Resources 4/5/13
123. By Del. Frich, Manchin, Ellem, Sobonya, Marshall, Barill, Pasdon, Walters, Longstreth, McCuskey, Ambler, Anderson, Armstead, Arvon, Ashley, Azinger, Barrett, Border, Butler, Cadle, Canterbury, Eldridge, Ellington, Espinosa, Evans, D., Folk, Gearheart, Hamilton, Hamrick, Householder, Howell, Kump, Lane, Lawrence, Lynch, Nelson, E., Raines, Romine, Rowan, Shott, Skinner, Smith, R., Storch, Sumner, Wells, Westfall and Williams - **Requesting a study of the feasibility of reapportioning the number of magistrates among our counties** - Introduced 4/5/13 - To Rules - Adopted by House 4/13/13
124. By Del. Fleischauer, Barill, Barrett, Butler, Cadle, Cooper, Craig, Eldridge, Evans, A., Ferro, Hartman, Iaquinta, Manypenny, Marcum, Moye, Paxton, Pethtel, Phillips, R., Pino, Poling, D., Romine, Rowan, Skaff, Skinner, Smith, R., Sponaugle, Staggers, Stowers, Wells and Williams - **Requesting a study whether all operators of underground facilities should be required to be a member of a one-call system, West Virginia 811** - Introduced 4/5/13 - To Rules - Adopted by House 4/13/13
125. By Del. Azinger - **The "Army Sergeant Richard Bowry Memorial Bridge"** - Introduced 4/5/13 - To Rules - Adopted by House 4/10/13 - To Senate 4/11/13 - To Transportation and Infrastructure 4/11/13 - Adopted by Senate 4/13/13
126. By Del. Marcum, White, Moore, Craig and Perdue - **The "John Jacob Fry II Memorial Highway"** - Introduced 4/5/13 - To Rules - Adopted by House 4/10/13 - To Senate 4/11/13 - To Transportation and Infrastructure 4/11/13 - Adopted by Senate 4/13/13
127. By Del. Williams, Moye, Perdue, Perry, Pino, Pethtel, Manypenny, Ferro, Stephens, Campbell, Border, Smith, R., Rowan, Young, Faircloth, Raines, O'Neal, Sumner and Arvon (Originating in House Senior Citizen Issues) - **Requesting the Joint Committee on Government and Finance to study adult day care services in West Virginia** - Introduced 4/5/13 - To House Rules 4/5/13 - Adopted by House 4/11/13 - To Senate 4/12/13 - To Rules 4/12/13
128. By Del. Williams, Moye, Perdue, Perry, Pino, Pethtel, Manypenny, Ferro, Stephens, Campbell, Border, Smith, R., Rowan, Young, Faircloth, Raines, O'Neal,

- Sumner and Arvon (Originating in House Senior Citizen Issues) - **Requesting the Joint Committee on Government and Finance to study the needs, challenges and issues facing senior citizens in finding personal care services** - Introduced 4/5/13 - To House Rules 4/5/13 - Adopted by House 4/13/13
129. By Del. Williams, Moye, Perdue, Perry, Pino, Pethtel, Manypenny, Ferro, Stephens, Campbell, Border, Smith, R., Rowan, Young, Faircloth, Raines, O'Neal, Sumner and Arvon (Originating in House Senior Citizen Issues) - **Requesting the Joint Committee on Government and Finance to study the deficiencies in home caregiver assistance for senior citizens** - Introduced 4/5/13 - To House Rules 4/5/13 - Adopted by House 4/11/13 - To Senate 4/12/13 - To Rules 4/12/13
130. By Del. Williams, Moye, Perdue, Perry, Pino, Pethtel, Manypenny, Ferro, Stephens, Campbell, Border, Smith, R., Rowan, Young, Faircloth, Raines, O'Neal, Sumner and Arvon (Originating in House Senior Citizen Issues) - **Requesting the Joint Committee on Government and Finance to study the feasibility of updating state laws that strengthen protections against elder abuse, exploitation and fraud** - Introduced 4/5/13 - To House Rules 4/5/13 - Adopted by House 4/11/13 - To Senate 4/12/13 - To Rules 4/12/13
132. By Del. Guthrie, Barrett, Hartman, Manchin, Morgan, Perry, Phillips, R., Reynolds and Walters - **Requesting a study on whether insurers licensed to sell motor vehicle insurance should be prohibited from raising premiums after a claim which no insured person was at fault** - Introduced 4/8/13 - To Rules - Adopted by House 4/13/13
133. By Mr. Speaker (Mr. Thompson) and Del. Perdue - **The "James T. and Paul T. Billups Bridge"** - Introduced 4/8/13 - To Rules - Adopted by House 4/10/13 - To Senate 4/11/13 - To Transportation and Infrastructure 4/11/13 - Adopted by Senate 4/13/13
134. By Del. Guthrie, Fleischauer, Fragale, Iaquina, Longstreth, Manypenny, Moore, Perdue, Phillips, L., Poore and Skaff - **Requesting a study on whether employees of the State whose salaries are not set by statute should be granted an annual salary increase of \$1,000 per year** - Introduced 4/8/13 - To Rules - Adopted by House 4/13/13
135. By Mr. Speaker (Mr. Thompson), Del. Eldridge, Phillips, R., White, Manchin, Jones, Diserio, Manypenny, Frich, Westfall, Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border, Butler, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Craig, Ellem, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Ferns, Ferro, Fleischauer, Folk, Fragale, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Iaquina, Ireland,

- Kump, Lane, Lawrence, Longstreth, Lynch, Marcum, Marshall, McCuskey, Miley, Miller, Moore, Morgan, Moye, Nelson, E., O'Neal, Overington, Pasdon, Paxton, Perdue, Perry, Pethtel, Phillips, L., Pino, Poling, D., Poling, M., Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, Smith, P., Smith, R., Sobonya, Sponaugle, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Tomblin, Walker, Walters, Wells, Williams and Young - **Proclaiming West Virginia as a Purple Heart State** - Introduced 4/8/13 - To Rules - Adopted by House 4/10/13 - To Senate 4/11/13 - To Government Organization 4/11/13 - Adopted by Senate 4/13/13
138. By Del. Morgan, Stephens, Caputo, Diserio, Eldridge, Ferns, Hartman, Jones, Lynch, Paxton, Smith, P., Staggers, Swartzmiller, Arvon, Azinger, Border, Cadle, Faircloth, Folk, Kump, Romine and Smith, R. (Originating in House Government Organization) - **Requesting that the Joint Committee on Government and Finance authorize a study on state recognition of Native American Tribes** - Introduced 4/8/13 - To House Rules 4/8/13 - Adopted by House 4/11/13 - To Senate 4/12/13 - To Rules 4/12/13
139. By Del. Williams, Boggs, Pethtel, Perdue, Anderson, Iaquinta, Guthrie, Miller, Walker, Manypenny, White, Ashley, Barill, Caputo, Craig, Eldridge, Evans, A., Ferro, Fleischauer, Hartman, Hunt, Ireland, Lawrence, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Pasdon, Perry, Phillips, R., Pino, Poling, M., Reynolds, Skaff, Smith, P., Staggers and Stowers - **Requesting a study for the potential for creating new jobs and improving our economy by increasing agribusiness in the state** - Introduced 4/9/13 - To Rules - Adopted by House 4/11/13 - To Senate 4/12/13 - To Rules 4/12/13
140. By Del. Phillips, R., Caputo, Hartman, Tomblin, Eldridge, Lynch, Craig, Iaquinta, Stowers, White, Mr. Speaker (Mr. Thompson), Andes, Armstead, Barill, Barrett, Boggs, Campbell, Canterbury, Diserio, Ferns, Ferro, Fleischauer, Gearheart, Hamilton, Jones, Lawrence, Longstreth, Marcum, Marshall, Morgan, Moye, Nelson, E., O'Neal, Paxton, Perry, Pethtel, Phillips, L., Poling, D., Poling, M., Reynolds, Shott, Skaff, Skinner, Smith, P., Sobonya, Sponaugle, Staggers, Stephens, Storch, Swartzmiller, Walker, Westfall, Williams and Young - **Recognizing July 16 as "Atomic Veterans Day of Remembrance" in West Virginia** - Introduced 4/10/13 - To Rules - Adopted by House 4/12/13 - To Senate 4/13/13 - Committee reference dispensed - Adopted by Senate 4/13/13
141. By Del. Smith, R. and Eldridge - **Requesting a study to require social workers to be employed in each public school, K through 8 in the state** - Introduced 4/10/13 - To Rules - Adopted by House 4/13/13
142. By Del. Marcum, Azinger, Barill, Barrett, Boggs, Campbell, Eldridge, Ellington, Evans, A., Fleischauer, Frich, Guthrie, Hamilton, Hartman, Kump, Lawrence,

- Lynch, O'Neal, Paxton, Perdue, Perry, Phillips, L., Phillips, R., Pino, Poore, Reynolds, Romine, Rowan, Smith, P., Sobonya, Sponaugle, Stowers, Tomblin, Walker, Wells, Westfall, White and Young - **Urging Congress to swiftly take bipartisan, concrete action to address the growing scourge of prescription drug abuse in West Virginia and other states** - Introduced 4/10/13 - To Rules - Adopted by House 4/13/13
143. By Del. Ashley - **The "Sloan Brother's Memorial Bridge"** - Introduced 4/10/13 - To Rules - Adopted by House 4/13/13
144. By Del. Paxton, Guthrie, Wells, Smith, P., Poore, Walker, Moore, Craig, Caputo, Poling, D., Boggs, Hunt, Morgan, Perry and Swartzmiller - **The "Quentin H. Wickline Memorial Bridge"** - Introduced 4/11/13 - To Rules - Adopted by House 4/13/13
145. By Del. Manypenny, Ambler, Anderson, Andes, Arvon, Ashley, Azinger, Barill, Border, Campbell, Caputo, Cooper, Craig, Diserio, Eldridge, Ellington, Evans, A., Faircloth, Ferns, Fleischauer, Folk, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Iaquina, Jones, Lawrence, Lynch, Marshall, Miller, Moye, Pasdon, Paxton, Perdue, Perry, Phillips, L., Poling, D., Poore, Raines, Reynolds, Romine, Rowan, Skaff, Smith, R., Sobonya, Sponaugle, Sponaugle, Staggers, Storch, Stowers, Sumner, Swartzmiller, Walker, Westfall, Williams and Young - **Requesting a study on how West Virginia can fully fund the West Virginia Veterinarian's Tuition Contract Program** - Introduced 4/11/13 - To Rules - Adopted by House 4/13/13
146. By Del. Fleischauer, Barill, Barrett, Butler, Caputo, Eldridge, Ellington, Faircloth, Ferns, Guthrie, Lynch, Manypenny, Marshall, Paxton, Perdue, Poling, D., Romine, Rowan, Storch, Swartzmiller, Walker and Williams - **Requesting a study on the need for regulations of anesthesia for surgery performed in physicians' and dentists' offices** - Introduced 4/11/13 - To Rules - Adopted by House 4/13/13
147. By Del. Fleischauer, Ambler, Arvon, Ashley, Barill, Barill, Barrett, Butler, Cadle, Canterbury, Caputo, Cooper, Craig, Eldridge, Ellington, Evans, A., Evans, D., Faircloth, Ferns, Gearheart, Guthrie, Hamrick, Hartman, Iaquina, Lynch, Manypenny, Marshall, Moye, Pasdon, Paxton, Perdue, Phillips, L., Poling, D., Poore, Raines, Reynolds, Romine, Rowan, Skinner, Smith, R., Sponaugle, Staggers, Storch, Stowers and Walker - **Requesting a study to consider a sentencing revision for DUI with death cases** - Introduced 4/11/13 - To Rules - Adopted by House 4/13/13
150. By Del. Craig, Hamilton, Pino, Ireland and Ellem - **Requesting a study in regard to whether crossbow hunting should be authorized** - Introduced 4/11/13 - To Rules - Adopted by House 4/13/13

152. By Del. Fleischauer, Barill, Caputo, Diserio, Eldridge, Evans, A., Ferns, Ferro, Fragale, Guthrie, Hartman, Iaquinta, Jones, Kump, Lawrence, Moore, Paxton, Perry, Pethtel, Poling, M., Poore, Romine, Skaff, Skinner, Sponaugle, Staggers, Storch, Stowers and Wells - **Requesting the Joint Committee on Government and Finance to study how to engage West Virginia's large employers, public and private, to bring about a health-culture transformation** - Introduced 4/12/13 - To Rules - Adopted by House 4/13/13
154. By Del. Armstead, Ambler, Arvon, Ashley, Azinger, Butler, Cadle, Cooper, Ellem, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Ferns, Fleischauer, Folk, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Howell, Ireland, Kump, McCuskey, Miley, Miller, Nelson, E., Overington, Pasdon, Raines, Romine, Rowan, Shott, Smith, R., Sobonya, Storch, Walker, Walters, Wells and Westfall - **Requesting the Joint Committee on Government and Finance to study the possible revision of the current law of the state relating to the disclosure of public records** - Introduced 4/12/13 - To Rules - Adopted by House 4/13/13
167. By Del. Boggs, Border, Campbell, Cowles, Ellington, Ferns, Householder, Lane, Marcum, Miley, Moye, O'Neal, Pasdon, Perry, Reynolds, Stowers and White - **Requesting the Joint Committee on Health authorize a study regarding the health and safety regulations of West Virginia's abortion providers** - Introduced 4/13/13 - To Rules - Adopted by House 4/13/13
177. By Del. Manchin, Manypenny, Barill, Moye, Eldridge, Lynch and Poore - **Requesting the Joint Committee on Government and Finance to study the necessity of the application of oil and gas conservation law and lease integration principles** - Introduced 4/13/13 - Adopted by House 4/13/13

TOPICAL INDEX

**Bill
No.**

ABORTION:

- 43. Prohibiting abortion motivated by gender of fetus.
- 48. Requiring all available medical care of fetus following abortion.
- 64. Prohibiting abortions at state college or university medical facilities; exception.
- 93. Relating to parental notification of abortion on minor.
- 405. Limiting health insurance coverage for elective abortions to supplemental policies.
- 487. Creating WV Pain-Capable Unborn Child Protection Act.
- 660. Limiting health insurance coverage for elective abortions to supplemental policies.

ACTIONS AND SUITS:

- 2. Limiting landowner's civil liability for hunting injuries.
- 24. Subjecting actions brought against nursing homes to Medical Professional Liability Act.
- 32. Relating to evidentiary provisions of Wiretapping and Electronic Surveillance Act.
- 72. Creating WV Criminal and Civil Forfeiture Act.
- 121. Creating Fund for Civil Legal Services for Low-Income Persons.
- 176. Relating to tort liability actions.
- 215. Limiting punitive damages awarded in personal injury or wrongful death cases.
- 390. Increasing threshold of defendant's liability in tort action involving multiple defendants.
- 416. Requiring prisoners exhaust administrative remedies prior to bringing civil suit.
- 450. Establishing comparative fault standard.
- 484. Providing immunity from liability for ski patrol rendering emergency assistance.
- 555. Creating loser-pays civil justice system.
- 587. Adopting several liability in tortious conduct actions.
- 637. Limiting medical monitoring in civil actions concerning hazardous or toxic substances.
- 639. Prohibiting state resident from being joined with nonresident as defendant in certain civil actions.

ACTS:

- 16. Creating Grieving Parents Act.
- 21. Creating Health Care Provider Transparency Act.

24. Subjecting actions brought against nursing homes to Medical Professional Liability Act.
32. Relating to evidentiary provisions of Wiretapping and Electronic Surveillance Act.
39. Creating Jobs Impact Statement Act.
41. Creating Support our Law Enforcement and Safe Neighborhoods Act.
50. Creating WV Land Stewardship Corporation Act.
52. Relating to Rural Health Initiative Act.
56. Creating Intrastate Coal and Use Act.
68. Creating WV Firearms Freedom Act.
72. Creating WV Criminal and Civil Forfeiture Act.
103. Creating WV Commuter Rail Access Act.
113. Creating Civil Justice Reform Act of 2013.
122. Creating Creative Communities Development Act.
148. Creating Medication Therapy Management Act.
158. Creating Complete Streets Act.
159. Creating Uniform Real Property Transfer on Death Act.
160. Creating Conditional Early Release Bond Act.
164. Creating State Labor Relations Act.
170. Creating Keep Jobs in West Virginia Act.
187. Creating Jobs Impact Statement Act.
200. Relating to Eyewitness Identification Act.
342. Creating WV Land Stewardship Corporation Act.
346. Creating Appraisal Management Companies Registration Act.
353. Establishing First Informer Broadcasters Act.
374. Creating WV Benefit Corporation Act.
386. Relating to personal safety orders.
396. Creating WV Religious Freedom Restoration Act.
397. Creating Protecting West Virginia's Investments Act.
402. Relating to Domestic Violence Act.
406. Relating to Deputy Sheriff Retirement System Act.
418. Relating to Emergency Medical Services Retirement System Act.
420. Creating Firearm Protection Act.
466. Creating Dangerous Wild Animals Act.
487. Creating WV Pain-Capable Unborn Child Protection Act.
490. Creating Equine Facilities and Care Act.
517. Creating WV Fair Health Insurance Act of 2013.
520. Creating WV Project Launchpad Act, WV Project Launchpad for Economic Development Property Valuation Act and Promoting WV Employment Act.
574. Creating WV Buy American Act of 2013.
591. Creating WV Infrastructure Emergency Response Act of 2013.

- 618. Creating Tax Revenue Act of 2013.
- 644. Creating WV Public Competitive Learning Academies Act of 2013.
- 655. Creating Safe and Efficient Parkways Act.
- 663. Creating WV Feed to Achieve Act.

ADVERTISING:

- 142. Relating to road and highway improvements by private investors.
- 597. Permitting county boards of education to sell advertising on school bus exteriors.

AGRICULTURE:

- 47. Creating General Livestock Trespass Law.
- 218. Including checkoff option on tax return for Jackson's Mill 4-H Camp.
- 341. Relating to livestock fencing and trespassing.
- 470. Permitting wine sale on Sunday mornings at fairs and festivals.
- 490. Creating Equine Facilities and Care Act.
- 504. Relating to cooperative associations.
- 662. Establishing cap for collections into Department of Agriculture's land division special revenue account.

ALCOHOL:

- 152. Requiring alcohol awareness education courses for certain employees of retailers and licensed private clubs.
- 172. Relating to nonintoxicating beer distributor licensees.
- 470. Permitting wine sale on Sunday mornings at fairs and festivals.
- 480. Requiring alcohol servers obtain alcohol server permits.
- 498. Relating to hearing location for Alcohol Beverage Control Administration's appeal hearings.
- 590. Relating to sale of certain beer, wine and liquor.

ANIMALS:

- 47. Creating General Livestock Trespass Law.
- 61. Exempting sales of medication prescribed by veterinarians from consumers sales and service tax.
- 104. Providing personal income tax deduction for spaying or neutering.
- 115. Relating generally to horse and dog racing.
- 144. Creating Haas' Law to honor fallen law-enforcement canines.
- 202. Creating WV Spay Neuter Assistance Program and Fund.
- 341. Relating to livestock fencing and trespassing.
- 437. Regulating commercial dog-breeding operations.
- 466. Creating Dangerous Wild Animals Act.
- 468. Creating WV Animal Abuse Registry.
- 490. Creating Equine Facilities and Care Act.
- 608. Relating to animal protection in shelters.

APPROPRIATIONS:

- 143. Budget Bill.
- 664. Decreasing appropriations of public moneys in State Fund, General Revenue.

APPROPRIATIONS – SUPPLEMENTAL:

- 197. Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts.
- 207. Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts.
- 208. Making supplementary appropriation from State Fund, General Revenue, to Department of Commerce, Division of Labor, and DHHR, Division of Human Services.
- 209. Making supplementary appropriation from State Fund, State Excess Lottery Revenue Fund, to DHHR, Division of Human Services.
- 523. Making supplementary appropriation of unappropriated moneys to various accounts.
- 524. Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOT.
- 525. Making supplementary appropriation of federal funds to various accounts.
- 526. Making supplementary appropriation of federal funds to DHHR, Division of Human Services-Temporary Assistance for Needy Families.
- 665. Expiring funds from State Fund, General Revenue, and making supplementary appropriation to Attorney General and DHHR, Consolidated Medical Service Fund.

ARBITRATION:

- 532. Prohibiting certain corporations engaging in predispute binding arbitration from receiving state funding, contracts or purchasing agreements.
- 582. Implementing terms of Uniform Arbitration Act.

ASSOCIATIONS:

- 504. Relating to cooperative associations.

ATTORNEY GENERAL:

- 440. Relating to disclosure of specified tax information for enforcement of Tobacco Master Settlement Agreement.

ATTORNEYS:

- 53. Clarifying appointment of attorney from public defender office as counsel for eligible clients.
- 383. Authorizing family court judges appoint counsel in certain contempt cases.
- 384. Increasing certified legal education credits required for court-appointed attorneys in juvenile cases.
- 606. Awarding attorney fees in certain workers' compensation medical treatment cases.

AUDITS/AUDITING:

- 154. Relating to charitable organizations' audit requirements.
- 600. Establishing one-time audit cost amnesty program for local governments with delinquent audit costs.

BANKS AND BANKING:

- 84. Providing lender with security interest to advance sums preventing collateral protection insurance lapse.
- 361. Creating WV Homeowner Bill of Rights.
- 499. Prohibiting sellers from placing surcharges on consumers for credit card usage.
- 506. Relating to residency requirement of state-chartered banking institution directors.
- 588. Requiring bonding for residential construction projects.

BOARDS AND COMMISSIONS:

- 10. Permitting independent initiation of disciplinary proceedings by certain licensing boards.
- 63. Requiring equal number of county planning commission members from each magisterial district.
- 401. Relating to Board of Registration for Professional Engineers.
- 452. Increasing Board of Examiners for Registered Professional Nurses membership.
- 471. Clarifying "years of employment" includes county school board service for retirement purposes.
- 495. Requiring public notice prior to real property acquisition by Outdoor Heritage Conservation Fund Board.
- 586. Relating to licensure of barbers and cosmetologists.
- 598. Qualifying certain NPDES permit holders for Environmental Quality Board membership.
- 642. Relating to requirement of professional engineer serving on sanitary board.

BONDS:

- 85. Permitting filing of bond in escrow to cover mechanic's lien.
- 150. Relating to residential construction projects.
- 331. Permitting Courthouse Facilities Improvement Authority to issue bonds.
- 424. Terminating state's jurisdiction over certain surface mining operation sites.
- 516. Modifying bond requirement for closing-out sales, fire sales and defunct business sales.
- 530. Authorizing circuit and magistrate courts place surcharge on bail bonds to offset regional jail costs.
- 547. Authorizing circuit and magistrate courts place surcharge on bail bonds to offset regional jail costs.
- 631. Providing bonding authority to Affordable Housing Trust Fund.
- 649. Requiring certain tobacco product manufacturers not participating in Tobacco Master Settlement Agreement to post bond.

BUILDINGS:

659. Requiring National Flood Insurance Program State Coordinator establish permit fees for certain project applications.

CAPITOL COMPLEX:

333. Relating to carrying concealed weapons on State Capitol Complex grounds.

CHARITABLE ORGANIZATIONS:

154. Relating to charitable organizations' audit requirements.

CHILD WELFARE:

26. Requiring health insurance coverage for hearing aids under certain circumstances.
28. Relating to minors obtaining tattoos.
66. Eliminating requirement that schools input data into WVEIS.
73. Establishing criminal penalties for custodian's failure to report missing child.
93. Relating to parental notification of abortion on minor.
105. Waiving adoption filing fees in certain cases.
375. Granting courts broad discretion in placing neglected or abused children.
382. Relating generally to appointment and termination of guardians for minors.
384. Increasing certified legal education credits required for court-appointed attorneys in juvenile cases.
385. Allowing family court judge order child to be taken into custody in certain emergency situations.
389. Relating to alternative nicotine products.
404. Defining certain habitually absent student as neglected child.
407. Relating generally to child support orders.
411. Establishing child support insurance match program.
415. Relating to multidisciplinary team meetings for juveniles in Division of Juvenile Services' custody.
461. Relating to procedures and protections for child witnesses in domestic relations proceedings.
481. Relating to juvenile mental health treatment.
502. Clarifying language in Special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth.
559. Expanding circuit court jurisdiction over certain juvenile status offenders.
568. Allowing certain expelled students participate in Juvenile Drug Court.
601. Relating generally to juvenile offenders.
609. Implementing responsible parent program pilot project.
624. Adjusting penalties for willful failure to pay child support.
628. Authorizing Supreme Court establish pilot program to appoint probation officers to address truancy.
640. Revising definition of "obscene matter" to contain specific matter harmful to minors.

661. Creating TANF pilot program to promote educational achievement.

663. Creating WV Feed to Achieve Act.

CITIZENSHIP:

41. Creating Support our Law Enforcement and Safe Neighborhoods Act.

86. Designating English official state language.

465. Providing campground fee discount to youth groups undertaking certain community service projects.

CIVIL RIGHTS:

486. Prohibiting discrimination based upon age or sexual orientation.

CIVIL SERVICE:

67. Reinstating former paid fire department chiefs under certain circumstances.

351. Allowing certain employees donate sick leave for leave donation program.

599. Expanding number of hours temporary state personnel may work.

CLAIMS:

496. Finding and declaring certain claims against state.

572. Relating to claims against counties, school districts or municipalities.

594. Establishing Court of Claims procedure for unjust arrest, conviction or imprisonment claims.

625. Relating to payment of claims against counties, school districts or municipalities.

643. Relating to crime victim compensation awards.

CODE REPEALED:

47. Creating General Livestock Trespass Law.

52. Relating to Rural Health Initiative Act.

112. Relating generally to suspension or revocation of driver's license.

193. Repealing code relating to sterilization of mentally incompetent persons.

194. Relating to DHHR contract procedures.

206. Repealing code allowing sale of healthy beverages and soft drinks in schools.

336. Relating to interscholastic athletics concussions and head injuries.

341. Relating to livestock fencing and trespassing.

359. Relating generally to reforming public education.

392. Relating to regulation of fireworks.

402. Relating to Domestic Violence Act.

413. Extending WV Supreme Court of Appeals Public Campaign Financing Pilot Program.

432. Relating generally to State Treasurer's Office.

450. Establishing comparative fault standard.

461. Relating to procedures and protections for child witnesses in domestic relations proceedings.

477. Relating to electronic registration of voters.

492. Authorizing rural resort community as limited gaming facility.

- 504. Relating to cooperative associations.
- 517. Creating WV Fair Health Insurance Act of 2013.
- 518. Authorizing Insurance Commissioner propose emergency and legislative rules for certain reviews.
- 527. Relating to process of filling vacancies in certain elected offices.
- 535. Relating to process for maintaining voter registration lists.
- 570. Cleaning up outdated language in code relating to elections.
- 579. Updating code relating to absentee and early in-person voting.
- 580. Relating generally to practice of dentistry.
- 586. Relating to licensure of barbers and cosmetologists.
- 605. Eliminating duplicative reporting requirements on imported cigarettes.
- 663. Creating WV Feed to Achieve Act.

COMMERCE:

- 139. Regulating certain purchases of precious metals and gems.

COMMUNICATIONS:

- 32. Relating to evidentiary provisions of Wiretapping and Electronic Surveillance Act.
- 353. Establishing First Informer Broadcasters Act.
- 556. Relating to broadband deployment projects.
- 604. Expanding definition of "electioneering communication".
- 607. Prohibiting certain noncompetition clauses in broadcast industry employee contracts.
- 634. Imposing tax on telecommunications businesses to benefit Division of Tourism's promotion and maintenance of outdoor activities.

CONSUMER PROTECTION:

- 84. Providing lender with security interest to advance sums preventing collateral protection insurance lapse.
- 150. Relating to residential construction projects.
- 361. Creating WV Homeowner Bill of Rights.
- 410. Relating to property insurance coverage denied or canceled due to natural causes.
- 434. Prohibiting increase of motor vehicle insurance premium under certain circumstances .
- 459. Relating to warranties for used motor vehicles.
- 499. Prohibiting sellers from placing surcharges on consumers for credit card usage.
- 534. Correcting internal code reference regarding insurance information disclosure.
- 588. Requiring bonding for residential construction projects.

CONTRACTS:

- 71. Requiring descriptions of easements and rights-of-way include width in addition to centerline; exception.

- 348. Lowering threshold amount triggering low contract bidder to submit list of subcontractors.
- 363. Implementing purchasing reforms.
- 635. Permitting landlord to terminate lease on multitenant commercial property under certain circumstances

CORPORATIONS AND BUSINESS ENTITIES:

- 70. Authorizing Secretary of State dissolve corporate entities or revoke certificates of authority under certain circumstances.
- 79. Prohibiting fractional pricing in retail gasoline sales.
- 151. Requiring corporations disclose expenditures for political activities.
- 175. Extending time period employer has to pay final wages to terminated employee.
- 357. Including commercial campsite in definition of "hotel" for hotel occupancy tax purposes.
- 374. Creating WV Benefit Corporation Act.
- 479. Providing procedure for foreign corporations reinstate in same manner as limited liability companies.
- 516. Modifying bond requirement for closing-out sales, fire sales and defunct business sales.
- 532. Prohibiting certain corporations engaging in predispute binding arbitration from receiving state funding, contracts or purchasing agreements.
- 632. Creating emergency generators tax credit for certain businesses.

CORRECTIONS:

- 4. Requiring certain defendants pay cost of incarceration.
- 141. Dedicating proceeds from county excise tax on transfer of real property to regional jails and substance abuse programs.
- 160. Creating Conditional Early Release Bond Act.
- 165. Requiring presentence reports consider financial costs.
- 362. Dedicating proceeds from county excise tax on transfer of real property to regional jails.
- 371. Relating to prison overcrowding.
- 416. Requiring prisoners exhaust administrative remedies prior to bringing civil suit.
- 423. Providing certain convicted persons reduction in sentence.
- 494. Implementing responsible parent program pilot project.
- 522. Relating to collection and processing of certain court fees.
- 530. Authorizing circuit and magistrate courts place surcharge on bail bonds to offset regional jail costs.
- 547. Authorizing circuit and magistrate courts place surcharge on bail bonds to offset regional jail costs.
- 584. Creating Pretrial Release Program.
- 609. Implementing responsible parent program pilot project.

610. Renaming Industrial Home for Youth as Salem Correctional Center; placing Salem and Parkersburg correctional centers under Division of Corrections.
623. Relating to funding for probation officers to address truancy.
628. Authorizing Supreme Court establish pilot program to appoint probation officers to address truancy.
654. Increasing salaries of Division of Corrections' employees.

COUNTIES – COMMISSIONS:

81. Permitting Monongalia County Commission levy special district excise tax for University Towne Center.
125. Permitting Monongalia County Commission to levy special district excise tax.
213. Authorizing county commissions to temporarily fill certain office vacancies.
475. Requiring Parkways Authority transfer portion of Turnpike revenue to certain counties.
503. Requiring county commissions purchase and display POW/MIA flag.
529. Requiring county commission be advised before discharging certain county employees.
548. Requiring county commission be advised before discharging certain county employees.
581. Relating to certain civil action filing fees.

COUNTIES (AND RELATED SUBHEADINGS):

14. Granting counties and municipalities limited exemption from litter laws.
63. Requiring equal number of county planning commission members from each magisterial district.
141. Dedicating proceeds from county excise tax on transfer of real property to regional jails and substance abuse programs.
171. Increasing compensation of county board of education members for certain meeting attendance.
331. Permitting Courthouse Facilities Improvement Authority to issue bonds.
362. Dedicating proceeds from county excise tax on transfer of real property to regional jails.
367. Creating Citizens Elected County Officials Compensation Commission.
519. Providing elected county officials and employees receive raise based on Consumer Price Index.
531. Providing elected county officials receive raise based on Consumer Price Index.
541. Increasing compensation of certain county officials.

COURTS – CIRCUIT:

25. Relating to modified mental hygiene procedures.
128. Adding additional circuit court judge.
498. Relating to hearing location for Alcohol Beverage Control Administration's appeal hearings.

- 530. Authorizing circuit and magistrate courts place surcharge on bail bonds to offset regional jail costs.
- 547. Authorizing circuit and magistrate courts place surcharge on bail bonds to offset regional jail costs.
- 559. Expanding circuit court jurisdiction over certain juvenile status offenders.
- 581. Relating to certain civil action filing fees.
- 639. Prohibiting state resident from being joined with nonresident as defendant in certain civil actions.

COURTS – MAGISTRATE:

- 54. Relating to qualifications of magistrates.
- 109. Increasing number of magistrates.
- 146. Collecting unpaid magistrate court charges through income tax refund withholding.
- 210. Providing certain magistrate court employees be compensated equally.
- 378. Adjusting population line for calculating certain magistrate and staff salaries.
- 453. Reverting number of county magistrates to pre-2000 level.
- 530. Authorizing circuit and magistrate courts place surcharge on bail bonds to offset regional jail costs.
- 547. Authorizing circuit and magistrate courts place surcharge on bail bonds to offset regional jail costs.

COURTS – SUPREME COURT:

- 7. Providing for nonpartisan election of Supreme Court Justices.
- 413. Extending WV Supreme Court of Appeals Public Campaign Financing Pilot Program.
- 628. Authorizing Supreme Court establish pilot program to appoint probation officers to address truancy.

COURTS (AND RELATED SUBHEADINGS):

- 46. Decreasing number of jurors on municipal jury.
- 53. Clarifying appointment of attorney from public defender office as counsel for eligible clients.
- 60. Relating to name-change notice publication requirements.
- 74. Relating to jury service qualification.
- 87. Relating to number of juror strikes in felony cases.
- 113. Creating Civil Justice Reform Act of 2013.
- 165. Requiring presentence reports consider financial costs.
- 198. Exempting magistrates and municipal court judges from concealed weapon license requirement.
- 215. Limiting punitive damages awarded in personal injury or wrongful death cases.
- 375. Granting courts broad discretion in placing neglected or abused children.
- 381. Increasing number of family court judges.
- 383. Authorizing family court judges appoint counsel in certain contempt cases.

384. Increasing certified legal education credits required for court-appointed attorneys in juvenile cases.
385. Allowing family court judge order child to be taken into custody in certain emergency situations.
387. Relating to family court judge supervision of criminal background investigations.
398. Relating to funding assistance from Courthouse Facilities Improvement Authority.
522. Relating to collection and processing of certain court fees.
554. Creating Intermediate Court of Appeals.
555. Creating loser-pays civil justice system.
589. Establishing ethical standards for court reporters.
641. Increasing compensation caps for family court secretary-clerks and case coordinators.

CRIMES – ALCOHOL AND DRUGS:

646. Creating felony offense for DUI causing death.

CRIMES – FELONIES:

87. Relating to number of juror strikes in felony cases.
90. Creating felony offense of DUI causing death or serious bodily injury.

CRIMES – JUVENILES:

205. Prohibiting juveniles from manufacturing, possessing and distributing nude or partially nude images of minors.
601. Relating generally to juvenile offenders.

CRIMES – SEXUAL OFFENSES:

337. Creating Sexual Assault Forensic Examination Commission.

CRIMES (AND RELATED SUBHEADINGS):

8. Requiring additional confinement when minor is utilized in commission of crime.
72. Creating WV Criminal and Civil Forfeiture Act.
73. Establishing criminal penalties for custodian's failure to report missing child.
116. Relating to crimes against property involving graffiti.
117. Creating criminal offense of possession of burglar's tools.
200. Relating to Eyewitness Identification Act.
365. Relating to certain criminal conviction expungement.
372. Creating criminal offense for interfering with emergency service call.
373. Modifying age-range requirement for certain criminal conviction expungement.
488. Relating to damage to health or safety systems of certain facilities.
533. Modifying definitions of "domestic battery" and "domestic assault".
613. Reclassifying buprenorphine as Schedule III controlled substance.
626. Creating criminal offense for law-enforcement or EMS personnel creating visual portrayal of certain victims.

CRIMINAL BACKGROUND CHECKS:

- 106. Relating to Bureau of Senior Services in-home care worker registry.
- 211. Requiring criminal history record check for certain Real Estate Commission license applicants.
- 387. Relating to family court judge supervision of criminal background investigations.
- 652. Requiring criminal background checks for home inspector applicants.

DISABILITIES:

- 539. Excluding certain veteran disability income when calculating spousal support.
- 577. Allowing special needs students to participate in graduation ceremonies.

DOMESTIC RELATIONS:

- 40. Permitting expedited partner therapy.
- 77. Relating to wills and descent and distribution upon legal separation.
- 78. Excepting income or earnings from equitable distribution asset in determining spousal support.
- 105. Waiving adoption filing fees in certain cases.
- 153. Relating to compilation and availability of birth parents' social and medical histories prior to adoption.
- 201. Permitting expedited partner therapy.
- 329. Increasing certain rights of grandparents.
- 349. Implementing Child and Adolescent Needs and Strengths System for evaluating out-of-home placement of children.
- 368. Clarifying certain criminal conviction constitutes basis for voiding marriage.
- 381. Increasing number of family court judges.
- 402. Relating to Domestic Violence Act.
- 407. Relating generally to child support orders.
- 411. Establishing child support insurance match program.
- 461. Relating to procedures and protections for child witnesses in domestic relations proceedings.
- 533. Modifying definitions of "domestic battery" and "domestic assault".
- 538. Relating generally to disposition of domestic violence orders.
- 539. Excluding certain veteran disability income when calculating spousal support.
- 624. Adjusting penalties for willful failure to pay child support.

DRUGS AND DRUG PARAPHERNALIA:

- 27. Relating to administration of opioid antidote in emergency situations.
- 108. Creating Fatality and Mortality Review Team.
- 141. Dedicating proceeds from county excise tax on transfer of real property to regional jails and substance abuse programs.
- 324. Allowing boards licensing persons engaging in manufacture, distribution or dispensing controlled substances set fees by legislative rule.
- 388. Requiring DHHR pay for certified programs for certain drug offenders.

- 417. Relating to drug testing of legislators and public assistance recipients.
- 613. Reclassifying buprenorphine as Schedule III controlled substance.

ECONOMIC DEVELOPMENT:

- 39. Creating Jobs Impact Statement Act.
- 50. Creating WV Land Stewardship Corporation Act.
- 81. Permitting Monongalia County Commission levy special district excise tax for University Towne Center.
- 122. Creating Creative Communities Development Act.
- 125. Permitting Monongalia County Commission to levy special district excise tax.
- 189. Increasing capital investment threshold for certain economic opportunity development districts.
- 342. Creating WV Land Stewardship Corporation Act.
- 489. Permitting community enhancement districts to decrease annual property assessments.
- 520. Creating WV Project Launchpad Act, WV Project Launchpad for Economic Development Property Valuation Act and Promoting WV Employment Act.
- 540. Permitting Ohio County and Monongalia County commissions levy special district excise tax.

EDUCATION – COLLEGES & UNIVERSITIES:

- 38. Creating Higher Education Community School Law.
- 51. Providing personal income tax credit for nursing faculty.
- 52. Relating to Rural Health Initiative Act.
- 57. Providing resident tuition rates to nonresident children of WV higher education institution graduates.
- 64. Prohibiting abortions at state college or university medical facilities; exception.
- 69. Providing faculty and staff at state institutions of higher education eligible for Legislature.
- 83. Relating to residency requirements for campus police officers.
- 92. Including Salem International University as eligible PROMISE scholarship institution.
- 97. Providing personal income tax credit for qualified college student loans.
- 98. Creating Shale Research, Education, Policy and Economic Development Center at WVU.
- 173. Establishing policy for higher education students called to active military duty.
- 174. Providing for appointment of advocates for veterans at higher education institutions.
- 326. Establishing appropriation request process for higher education system.
- 339. Relating to depositing funds into Education Improvement Fund for PROMISE Scholarships.
- 438. Authorizing reorganization of certain community and technical colleges.
- 444. Relating to higher education generally.

- 508. Creating per-credit-hour tuition demonstration pilot project.
- 560. Relating to WV Research Trust Fund.
- 622. Providing WVU and MU boards of governors additional authority and flexibility.
- 648. Providing students financial aid for certain degrees in return for state service commitment.

EDUCATION – COURSES, PROGRAMS & TESTING:

- 36. Relating to adoption of English and math college- and career-readiness standards.
- 37. Relating to high-quality digital learning program and Global 21 Middle School initiative.
- 91. Creating pilot program incorporating Khan method of teaching math.
- 155. Requiring State Board of Education fund special education programs for exceptional children.
- 391. Transferring Division of Early Care and Education and Head Start State Collaborative to Department of Education and Arts.

EDUCATION – RETIREMENT:

- 419. Relating to Teachers Retirement System.
- 430. Defining "employment term" in Teachers' Defined Contribution Retirement System.

EDUCATION – SALARIES, CLASSIFICATIONS, LEAVE:

- 80. Including substitute teaching in job duties of certain professional educators employed by county boards.
- 94. Providing salary increase for certain teachers.
- 114. Relating to public school nurses.
- 120. Relating to issuance of barrister's teaching certificate.
- 149. Relating to temporary reassignment of injured or ill school service personnel.
- 327. Relating to school bus driver certification.
- 409. Modifying county funding ratio of school students to counselors.
- 514. Requiring full-time school personnel accrue personal leave on monthly basis.
- 657. Providing school social workers salary supplement and education reimbursement for achieving national certification.

EDUCATION (AND RELATED SUBHEADINGS):

- 44. Requiring assistant principals in schools of certain enrollment.
- 66. Eliminating requirement that schools input data into WVEIS.
- 111. Creating Dyslexia Screening and Intervention Pilot Project.
- 152. Requiring alcohol awareness education courses for certain employees of retailers and licensed private clubs.
- 171. Increasing compensation of county board of education members for certain meeting attendance.
- 177. Assessing excessive tardiness penalties for certain public school students.

206. Repealing code allowing sale of healthy beverages and soft drinks in schools.
332. Relating to certification requirements of workers painting state bridges.
336. Relating to interscholastic athletics concussions and head injuries.
340. Allowing schools to maintain epinephrine auto-injectors for use during anaphylactic reaction emergencies.
344. Relating to regional meetings among certain county boards of education officials.
359. Relating generally to reforming public education.
370. Adjusting foundation allowance for school transportation costs and regional education service agencies.
394. Relating to scholarships for dependent children of law-enforcement officers who die in performance of duty.
404. Defining certain habitually absent student as neglected child.
409. Modifying county funding ratio of school students to counselors.
528. Computing local county share of public education library funding.
537. Creating Library Facilities Improvement Fund.
546. Requiring appointment of State Superintendent of Schools be with advice and consent of Senate.
559. Expanding circuit court jurisdiction over certain juvenile status offenders.
562. Decreasing student-to-teacher ratio and increasing pay for certain aides.
568. Allowing certain expelled students participate in Juvenile Drug Court.
573. Relating to publication of financial statements by county boards of education.
575. Relating to county boards of education funding of public libraries.
577. Allowing special needs students to participate in graduation ceremonies.
597. Permitting county boards of education to sell advertising on school bus exteriors.
603. Relating to licensed school psychologist-to-pupil ratio.
623. Relating to funding for probation officers to address truancy.
644. Creating WV Public Competitive Learning Academies Act of 2013.

EDUCATION – FACILITIES:

421. Exempting certain school mascot from prohibition of firearms possession on school grounds.

ELECTED OFFICIALS:

367. Creating Citizens Elected County Officials Compensation Commission.
412. Relating to county conservation district supervisors.
519. Providing elected county officials and employees receive raise based on Consumer Price Index.
527. Relating to process of filling vacancies in certain elected offices.
531. Providing elected county officials receive raise based on Consumer Price Index.
536. Prohibiting public officials and employees from using public funds for self promotion.

ELECTIONS:

7. Providing for nonpartisan election of Supreme Court Justices.
13. Requiring voter ID.
35. Requiring filing fee for write-in candidates for public office.
76. Permitting certain voters who have moved to vote for President and Vice President.
130. Extending voter registration period prior to election.
145. Amending election complaint procedures.
151. Requiring corporations disclose expenditures for political activities.
199. Relating to interstate compact for election of president by national popular vote.
212. Requiring quorum when canvassing election returns.
350. Prohibiting electioneering outside entrance to polling place during early voting.
364. Relating to nomination of political candidates and party affiliation.
413. Extending WV Supreme Court of Appeals Public Campaign Financing Pilot Program.
477. Relating to electronic registration of voters.
482. Relating to sale of voter registration lists.
527. Relating to process of filling vacancies in certain elected offices.
535. Relating to process for maintaining voter registration lists.
545. Authorizing excess election contributions be used to pay previous campaign debt or loans.
570. Cleaning up outdated language in code relating to elections.
579. Updating code relating to absentee and early in-person voting.
604. Expanding definition of "electioneering communication".
650. Updating code language relating to electronic voting systems.

EMERGENCY SERVICES:

353. Establishing First Informer Broadcasters Act.
372. Creating criminal offense for interfering with emergency service call.
418. Relating to Emergency Medical Services Retirement System Act.
457. Relating to air-ambulance service fees paid by PEIA.
484. Providing immunity from liability for ski patrol rendering emergency assistance.
497. Improving emergency preparedness; creating emergency generator tax credit.
500. Authorizing certain counties levy charge on ski lift tickets to fund emergency medical services.
583. Extending time limit for payment of transfer costs to EMS Retirement System.
591. Creating WV Infrastructure Emergency Response Act of 2013.
626. Creating criminal offense for law-enforcement or EMS personnel creating visual portrayal of certain victims.

EMPLOYMENT:

39. Creating Jobs Impact Statement Act.

- 170. Creating Keep Jobs in West Virginia Act.
- 175. Extending time period employer has to pay final wages to terminated employee.
- 187. Creating Jobs Impact Statement Act.
- 520. Creating WV Project Launchpad Act, WV Project Launchpad for Economic Development Property Valuation Act and Promoting WV Employment Act.
- 607. Prohibiting certain noncompetition clauses in broadcast industry employee contracts.
- 620. Requiring state agencies, boards, commissions and entities give tests regionally.
- 653. Establishing job creation work groups.

ENERGY:

- 98. Creating Shale Research, Education, Policy and Economic Development Center at WVU.
- 551. Applying solar energy tax credit to each system installation; extending credit date.

ENVIRONMENTAL PROTECTION:

- 14. Granting counties and municipalities limited exemption from litter laws.
- 19. Providing personal income tax credit for recycling service fees.
- 50. Creating WV Land Stewardship Corporation Act.
- 342. Creating WV Land Stewardship Corporation Act.
- 472. Implementing state-specific selenium criteria plan.
- 563. Excluding jewelry platinum, gold, silver and palladium from definition of "scrap metal".
- 585. Maintaining residential rental property in habitable condition.
- 598. Qualifying certain NPDES permit holders for Environmental Quality Board membership.
- 621. Requiring Bureau for Public Health prepare impact statement assessing impact of any new air or water rule proposed by DEP.
- 627. Requiring certain post-mining land use reclamation utilize Clements State Tree Nursery.
- 629. Limiting liability of landowners, operators and contractors in water pollution abatement projects.
- 633. Relating to residential community waivers for salvage yard establishment.

ESTATES AND TRUSTS:

- 77. Relating to wills and descent and distribution upon legal separation.
- 119. Relating to surface owner's right to purchase mineral estate.
- 159. Creating Uniform Real Property Transfer on Death Act.

ETHICS:

- 536. Prohibiting public officials and employees from using public funds for self promotion.
- 589. Establishing ethical standards for court reporters.

FIRE FIGHTING AND PREVENTION:

42. Providing state income tax credit for certain firefighters.
67. Reinstating former paid fire department chiefs under certain circumstances.
131. Allowing National Guard firefighters continue as civilian Air National Guard firefighters.
179. Relating to meeting and conference rights of police or fire departments' members.
358. Relating to municipal policemen and firemen pensions.
451. Clarifying when carbon monoxide detector is required.
456. Relating to rebuttable presumption for firefighters' disability and death benefits for certain cancers.
483. Increasing fire and casualty insurance policies surcharge to benefit fire departments.
569. Requiring appointment of State Fire Marshal be with advice and consent of Senate.

FIREARMS:

68. Creating WV Firearms Freedom Act.
198. Exempting magistrates and municipal court judges from concealed weapon license requirement.
330. Prohibiting firearm seizure during declared state of emergency.
333. Relating to carrying concealed weapons on State Capitol Complex grounds.
369. Relating to concealed handgun license reciprocity.
408. Allowing private property owner to prohibit concealed weapons.
420. Creating Firearm Protection Act.
421. Exempting certain school mascot from prohibition of firearms possession on school grounds.
442. Allowing certain persons possess firearms without having hunting license.
476. Relating to distance firearm can be discharged near home, school or church.
558. Exempting certain military service members from training course requirement for concealed weapons license.

FUEL:

79. Prohibiting fractional pricing in retail gasoline sales.
217. Reducing wholesale tax on certain fuels.
493. Providing standards for converting and retrofitting motor vehicles to alternative fuels.

FUNDS:

31. Creating Dentist and Hygienist Education Student Loan Fund.
92. Including Salem International University as eligible PROMISE scholarship institution.
121. Creating Fund for Civil Legal Services for Low-Income Persons.

186. Relating generally to deposits in Special Railroad and Intermodal Enhancement Fund and Revenue Shortfall Reserve Fund.
191. Relating to increasing maximum aggregate funding to Revenue Shortfall Reserve Fund.
202. Creating WV Spay Neuter Assistance Program and Fund.
339. Relating to depositing funds into Education Improvement Fund for PROMISE Scholarships.
354. Requiring study on alternative revenue sources for funding state roads.
398. Relating to funding assistance from Courthouse Facilities Improvement Authority.
422. Increasing Cultural Facilities and Capitol Resources Matching Grant Program Fund allocation from racetrack video lottery.
439. Relating to payment correction procedure for erroneous fund distribution.
511. Creating WV Veterans Auxiliary Fund.
537. Creating Library Facilities Improvement Fund.
560. Relating to WV Research Trust Fund.
576. Transferring moneys from Unclaimed Property Trust Fund to Municipal Pensions and Protection Fund.
631. Providing bonding authority to Affordable Housing Trust Fund.
647. Allowing WV Military Authority receive funds from special revenue accounts.
651. Allowing state agencies to keep portion of surplus funds for employee bonuses.

GAMING ACTIVITIES:

115. Relating generally to horse and dog racing.
422. Increasing Cultural Facilities and Capitol Resources Matching Grant Program Fund allocation from racetrack video lottery.
445. Allowing Tax Commissioner divert lottery prizes to offset tax liabilities of lottery winners.
455. Relating to horse or dog racing.
478. Redefining "video lottery games"; permitting wagering by historic resort hotel employees.
492. Authorizing rural resort community as limited gaming facility.
542. Relating to restricted races at pari-mutuel thoroughbred horse racetracks.
615. Amending table game license renewal fee for pari-mutuel racetracks.
656. Establishing special study committee to assess problems facing gaming industry.

GOVERNMENTAL AGENCIES:

107. Relating to selection of state agency administrative hearing examiners.
363. Implementing purchasing reforms.
391. Transferring Division of Early Care and Education and Head Start State Collaborative to Department of Education and Arts.
439. Relating to payment correction procedure for erroneous fund distribution.

- 532. Prohibiting certain corporations engaging in predispute binding arbitration from receiving state funding, contracts or purchasing agreements.
- 544. Scheduling departmental performance reviews.
- 565. Creating reverse auction pilot program for purchasing office supplies.
- 574. Creating WV Buy American Act of 2013.
- 600. Establishing one-time audit cost amnesty program for local governments with delinquent audit costs.
- 620. Requiring state agencies, boards, commissions and entities give tests regionally.
- 625. Relating to payment of claims against counties, school districts or municipalities.
- 651. Allowing state agencies to keep portion of surplus funds for employee bonuses.

GOVERNOR – BILLS REQUESTED BY:

- 143. Budget Bill.
- 180. Reforming Medicaid subrogation statute.
- 181. Clarifying drugged driving offense.
- 182. Lowering available tax credit amount for film industry.
- 183. Updating terms in Corporation Net Income Tax Act.
- 184. Updating terms in Personal Income Tax Act.
- 185. Relating to alternative-fuel motor vehicles and qualified refueling infrastructure tax credits.
- 186. Relating generally to deposits in Special Railroad and Intermodal Enhancement Fund and Revenue Shortfall Reserve Fund.
- 187. Creating Jobs Impact Statement Act.
- 188. Creating vendor transportation program to transport Medicaid service recipients.
- 189. Increasing capital investment threshold for certain economic opportunity development districts.
- 190. Relating to public-private transportation projects funding.
- 191. Relating to increasing maximum aggregate funding to Revenue Shortfall Reserve Fund.
- 192. Increasing civil penalties imposed by PSC for pipeline safety violations.
- 197. Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts.
- 207. Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts.
- 208. Making supplementary appropriation from State Fund, General Revenue, to Department of Commerce, Division of Labor, and DHHR, Division of Human Services.
- 209. Making supplementary appropriation from State Fund, State Excess Lottery Revenue Fund, to DHHR, Division of Human Services.
- 342. Creating WV Land Stewardship Corporation Act.

- 355. Relating to final wage payment to discharged employees.
- 359. Relating generally to reforming public education.
- 363. Implementing purchasing reforms.
- 370. Adjusting foundation allowance for school transportation costs and regional education service agencies.
- 371. Relating to prison overcrowding.
- 377. Redefining "retailer engaging in business in this state" for sales and use tax purposes.
- 523. Making supplementary appropriation of unappropriated moneys to various accounts.
- 524. Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOT.
- 525. Making supplementary appropriation of federal funds to various accounts.
- 526. Making supplementary appropriation of federal funds to DHHR, Division of Human Services-Temporary Assistance for Needy Families.
- 596. Determining grant awards for Chesapeake Bay and Greenbrier River watershed compliance projects.
- 610. Renaming Industrial Home for Youth as Salem Correctional Center; placing Salem and Parkersburg correctional centers under Division of Corrections.

HAZARDOUS MATERIALS:

- 449. Relating to disposal of certain electronic devices.
- 637. Limiting medical monitoring in civil actions concerning hazardous or toxic substances.

HEALTH – FACILITIES:

- 24. Subjecting actions brought against nursing homes to Medical Professional Liability Act.
- 101. Clarifying Medical Professional Liability Act applies to nursing homes and their health care providers.
- 166. Establishing tax credit for certain physicians providing services in free health clinics.
- 195. Modifying tax rate expiration date on eligible acute care hospitals.
- 335. Permitting certain hospitals exemption from certificate of need.
- 464. Regulating tanning facilities.
- 567. Defining "no significant additional fiscal burden" in minimum criteria for certificate of need reviews.

HEALTH – INSURANCE:

- 405. Limiting health insurance coverage for elective abortions to supplemental policies.
- 517. Creating WV Fair Health Insurance Act of 2013.
- 518. Authorizing Insurance Commissioner propose emergency and legislative rules for certain reviews.

HEALTH – PERSONNEL:

21. Creating Health Care Provider Transparency Act.
31. Creating Dentist and Hygienist Education Student Loan Fund.
114. Relating to public school nurses.
214. Eliminating interview requirement for certain medical licensee applicants.
325. Creating loan forgiveness program for health professionals.
379. Expanding prescriptive authority of advanced nurse practitioners and certified nurse-midwives.
429. Redefining "facility" under Medication Administration by Unlicensed Personnel Act.
592. Removing requirement Physicians' Mutual Insurance Company be nonprofit corporation.

HEALTH (AND RELATED SUBHEADINGS):

16. Creating Grieving Parents Act.
28. Relating to minors obtaining tattoos.
30. Requiring DHHR and Medicaid to provide dental coverage to certain mothers of newborns.
40. Permitting expedited partner therapy.
52. Relating to Rural Health Initiative Act.
89. Requiring replacement of public rest area, institution and school urinals be water free.
153. Relating to compilation and availability of birth parents' social and medical histories prior to adoption.
201. Permitting expedited partner therapy.
336. Relating to interscholastic athletics concussions and head injuries.
340. Allowing schools to maintain epinephrine auto-injectors for use during anaphylactic reaction emergencies.
388. Requiring DHHR pay for certified programs for certain drug offenders.
391. Transferring Division of Early Care and Education and Head Start State Collaborative to Department of Education and Arts.
428. Relating to billing for HIV or STD testing and treatment.
433. Creating informal dispute resolution process for DHHR providers or licensees.
557. Continuing Preventive Care Pilot Program.
621. Requiring Bureau for Public Health prepare impact statement assessing impact of any new air or water rule proposed by DEP.
637. Limiting medical monitoring in civil actions concerning hazardous or toxic substances.
663. Creating WV Feed to Achieve Act.

HEALTH – MENTAL:

25. Relating to modified mental hygiene procedures.

168. Providing workers' compensation benefits for mental illness under certain circumstances.
193. Repealing code relating to sterilization of mentally incompetent persons.
352. Relating to mandatory disclosure by mental health professionals of potential patient harm to another person.
425. Relating to mental health treatment alternatives.
481. Relating to juvenile mental health treatment.

HOMELAND SECURITY:

330. Prohibiting firearm seizure during declared state of emergency.
549. Providing WV will not participate in REAL ID Act of 2005.
630. Relating to Chief Technology Officer's duties with regard to security of government information.

HUMAN SERVICES:

417. Relating to drug testing of legislators and public assistance recipients.
661. Creating TANF pilot program to promote educational achievement.

INFRASTRUCTURE:

332. Relating to certification requirements of workers painting state bridges.

INSPECTIONS:

652. Requiring criminal background checks for home inspector applicants.

INSURANCE – HEALTH:

22. Requiring maternity services coverage for all health insurance plan dependents in certain circumstances.
26. Requiring health insurance coverage for hearing aids under certain circumstances.
428. Relating to billing for HIV or STD testing and treatment.
517. Creating WV Fair Health Insurance Act of 2013.
518. Authorizing Insurance Commissioner propose emergency and legislative rules for certain reviews.
557. Continuing Preventive Care Pilot Program.
660. Limiting health insurance coverage for elective abortions to supplemental policies.

INSURANCE – MEDICAID/MEDICARE:

30. Requiring DHHR and Medicaid to provide dental coverage to certain mothers of newborns.
180. Reforming Medicaid subrogation statute.
188. Creating vendor transportation program to transport Medicaid service recipients.
194. Relating to DHHR contract procedures.

INSURANCE – MOTOR VEHICLES:

9. Permitting nonrenewal of auto liability insurance policies for failure of consideration.

- 34. Relating to motor vehicle glass replacement and repair referrals.
- 434. Prohibiting increase of motor vehicle insurance premium under certain circumstances .
- 578. Requiring proof of insurance for motor vehicle registration.

INSURANCE – PUBLIC EMPLOYEES:

- 457. Relating to air-ambulance service fees paid by PEIA.
- 458. Permitting PEIA operate Medicare retiree health plan on calendar-year basis.

INSURANCE (AND RELATED SUBHEADINGS):

- 84. Providing lender with security interest to advance sums preventing collateral protection insurance lapse.
- 328. Relating to financial oversight of entities regulated by Insurance Commissioner.
- 399. Relating to licensure of insurance adjusters.
- 410. Relating to property insurance coverage denied or canceled due to natural causes.
- 483. Increasing fire and casualty insurance policies surcharge to benefit fire departments.
- 509. Imposing statutory liens on certain fire insurance proceeds.
- 534. Correcting internal code reference regarding insurance information disclosure.
- 592. Removing requirement Physicians' Mutual Insurance Company be nonprofit corporation.
- 659. Requiring National Flood Insurance Program State Coordinator establish permit fees for certain project applications.

INTERIM STUDIES:

- 22. Requiring maternity services coverage for all health insurance plan dependents in certain circumstances.
- 30. Requiring DHHR and Medicaid to provide dental coverage to certain mothers of newborns.
- 101. Clarifying Medical Professional Liability Act applies to nursing homes and their health care providers.
- 106. Relating to Bureau of Senior Services in-home care worker registry.
- 135. Creating Equal Pay Coordinator within Division of Personnel.
- 136. Removing statutory reference to salary of Women's Commission Executive Director.
- 157. Exempting certain nonresidents from Class D license requirement.
- 158. Creating Complete Streets Act.
- 159. Creating Uniform Real Property Transfer on Death Act.
- 173. Establishing policy for higher education students called to active military duty.
- 174. Providing for appointment of advocates for veterans at higher education institutions.
- 193. Repealing code relating to sterilization of mentally incompetent persons.
- 194. Relating to DHHR contract procedures.

- 195. Modifying tax rate expiration date on eligible acute care hospitals.
- 201. Permitting expedited partner therapy.
- 206. Repealing code allowing sale of healthy beverages and soft drinks in schools.
- 325. Creating loan forgiveness program for health professionals.
- 326. Establishing appropriation request process for higher education system.
- 336. Relating to interscholastic athletics concussions and head injuries.
- 337. Creating Sexual Assault Forensic Examination Commission.
- 338. Relating to liability of possessor of real property for harm to trespasser.
- 346. Creating Appraisal Management Companies Registration Act.
- 347. Requiring Public Employees Grievance Board and Division of Personnel provide training seminars to certain persons.
- 552. Creating Uniform Real Property Electronic Recording Act.
- 611. Updating Uniform Common Interest Ownership Act.

INVESTMENTS:

- 397. Creating Protecting West Virginia's Investments Act.
- 432. Relating generally to State Treasurer's Office.
- 444. Relating to higher education generally.

LABOR:

- 164. Creating State Labor Relations Act.
- 216. Requiring prevailing hourly rates in public improvements construction.
- 332. Relating to certification requirements of workers painting state bridges.
- 355. Relating to final wage payment to discharged employees.
- 447. Prohibiting hourly wage rate from exceeding Davis-Bacon Act rate.
- 619. Relating to disqualification for unemployment benefits as result of strike.

LAW ENFORCEMENT – COUNTY/MUNICIPAL:

- 360. Issuing deputy sheriffs ballistic vest upon law-enforcement certification.
- 406. Relating to Deputy Sheriff Retirement System Act.

LAW ENFORCEMENT – STATE POLICE:

- 126. Increasing number of state troopers and beginning pay.
- 132. Compensating State Police for call-back time.
- 345. Increasing number of state troopers and beginning pay.
- 356. Increasing salaries of certain State Police forensic lab employees and certain civilian employees.
- 394. Relating to scholarships for dependent children of law-enforcement officers who die in performance of duty.
- 507. Relating to PERS and State Police Retirement System contribution rates.

LAW ENFORCEMENT (AND RELATED SUBHEADINGS):

- 5. Relating to temporary detention of criminal suspects.
- 27. Relating to administration of opioid antidote in emergency situations.
- 41. Creating Support our Law Enforcement and Safe Neighborhoods Act.

65. Exempting PERS retirement income of DNR police officers from state income tax.
83. Relating to residency requirements for campus police officers.
100. Requiring mandatory use of armored vests by law enforcement.
144. Creating Haas' Law to honor fallen law-enforcement canines.
178. Creating license plate for fallen law-enforcement officers' next-of-kin.
179. Relating to meeting and conference rights of police or fire departments' members.
358. Relating to municipal policemen and firemen pensions.
427. Clarifying requirements for certain motor vehicle searches.
485. Increasing compensation of natural resources police officers.
501. Creating license plate for fallen law-enforcement officers' next-of-kin.
538. Relating generally to disposition of domestic violence orders.
626. Creating criminal offense for law-enforcement or EMS personnel creating visual portrayal of certain victims.

LEGISLATURE:

69. Providing faculty and staff at state institutions of higher education eligible for Legislature.
88. Prohibiting certain campaign contributions by lobbyists during regular session.
417. Relating to drug testing of legislators and public assistance recipients.
543. Allowing Legislative Auditor establish application review fee schedule.
546. Requiring appointment of State Superintendent of Schools be with advice and consent of Senate.
569. Requiring appointment of State Fire Marshal be with advice and consent of Senate.
594. Establishing Court of Claims procedure for unjust arrest, conviction or imprisonment claims.
643. Relating to crime victim compensation awards.
653. Establishing job creation work groups.

LEGISLATURE – RULE MAKING:

219. Authorizing Department of Administration promulgate legislative rule relating to selecting design-builders under Design-Build Procurement Act.
220. Authorizing Department of Administration promulgate legislative rule relating to state-owned vehicles.
221. Authorizing Office of Administrative Hearings promulgate legislative rule relating to appeal procedures.
222. Authorizing Commissioner of Agriculture promulgate legislative rule relating to animal disease control.
223. Authorizing Board of Architects promulgate legislative rule relating to registration of architects.

224. Authorizing Athletic Commission promulgate legislative rule relating to mixed martial arts.
225. Authorizing Board of Barbers and Cosmetologists promulgate legislative rule relating to procedures, criteria and curricula for examination and licensure of barbers, cosmetologists, nail technicians, aestheticians and hair stylists.
226. Authorizing Board of Barbers and Cosmetologists promulgate legislative rule relating to barber apprenticeships.
227. Authorizing Board of Barbers and Cosmetologists promulgate legislative rule relating to operational standards for schools of barbering and beauty culture.
228. Authorizing Broadband Deployment Council promulgate legislative rule relating to broadband deployment grants programs.
229. Authorizing Conservation Committee promulgate legislative rule relating to operation of State Conservation Committee and conservation districts.
230. Authorizing CPRB promulgate legislative rule relating to general provisions.
231. Authorizing CPRB promulgate legislative rule relating to benefit determination and appeal.
232. Authorizing CPRB promulgate legislative rule relating to Teachers Retirement System.
233. Authorizing CPRB promulgate legislative rule relating to Public Employees Retirement System.
234. Authorizing CPRB promulgate legislative rule relating to State Police.
235. Authorizing Board of Dental Examiners promulgate legislative rule relating to board.
236. Authorizing Board of Dental Examiners promulgate legislative rule relating to practitioner requirements for accessing Controlled Substances Monitoring Program database.
237. Authorizing Board of Dental Examiners promulgate legislative rule relating to continuing education requirements.
238. Authorizing Board of Dental Examiners promulgate legislative rule relating to expanded duties of dental hygienists and dental assistants.
239. Authorizing DEP promulgate legislative rule relating to permits for construction and major modification of major stationary sources for prevention of significant deterioration of air quality.
240. Authorizing DEP promulgate legislative rule relating to standards of performance for new stationary sources.
241. Authorizing DEP promulgate legislative rule relating to control of air pollution from combustion of solid waste.
242. Authorizing DEP promulgate legislative rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities.
243. Authorizing DEP promulgate legislative rules.

244. Authorizing DEP promulgate legislative rule relating to emission standards for hazardous air pollutants.
245. Authorizing DEP promulgate legislative rule relating to horizontal well development.
246. Authorizing DEP promulgate legislative rule relating to covered electronic devices recycling.
247. Authorizing DEP promulgate legislative rule relating to hazardous waste administrative proceedings and civil penalty assessment.
248. Authorizing DEP promulgate legislative rule relating to water pollution control permit fee schedules.
249. Authorizing DEP promulgate legislative rule relating to WV/NPDES regulations for coal mining facilities.
250. Authorizing Department of Commerce promulgate legislative rules.
251. Authorizing State Fire Commission promulgate legislative rule relating to State Building Code.
252. Authorizing State Fire Commission promulgate legislative rule relating to volunteer firefighters' training, equipment and operating standards.
253. Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to law-enforcement training and certification standards.
254. Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to protocol for law-enforcement response to stalking.
255. Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to protocol for law-enforcement response to child abuse and neglect.
256. Authorizing Hatfield-McCoy Regional Recreation Authority promulgate legislative rule relating to rules for use of facility.
257. Authorizing DHHR promulgate legislative rule relating to regulation of opioid treatment programs.
258. Authorizing DHHR promulgate legislative rule relating to chronic pain management clinic licensure.
259. Authorizing DHHR promulgate legislative rule relating to child care centers' licensing.
260. Authorizing DHHR promulgate legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults.
261. Authorizing Commissioner of Agriculture promulgate legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas.

262. Authorizing Health Care Authority promulgate legislative rule relating to WV Health Information Network.
263. Authorizing DHHR promulgate legislative rule relating to pulse oximetry newborn testing.
264. Authorizing DHHR promulgate legislative rule relating to general sanitation.
265. Authorizing DHHR promulgate legislative rules.
266. Authorizing DHHR promulgate legislative rule relating to fees for services.
267. Authorizing DHHR promulgate legislative rule relating to reportable diseases, events and conditions.
268. Authorizing DHHR promulgate legislative rule relating to regulation of opioid treatment programs.
269. Authorizing Commissioner of Highways promulgate legislative rule relating to transportation of hazardous wastes upon roads and highways.
270. Authorizing Department of Revenue promulgate legislative rules.
271. Authorizing Division of Labor promulgate legislative rule relating to bedding and upholstered furniture.
272. Authorizing Division of Labor promulgate legislative rule relating to Amusement Rides and Attractions Safety Act.
273. Authorizing Division of Labor promulgate legislative rule relating to supervision of elevator mechanics and apprentices.
274. Authorizing Division of Labor promulgate legislative rule relating to Crane Operator Certification Act.
275. Authorizing Division of Labor promulgate legislative rule relating to Crane Operator Certification Act--practical examination.
276. Authorizing Lottery Commission promulgate legislative rule relating to state lottery rules.
277. Authorizing Board of Medicine promulgate legislative rule relating to practitioner requirements for accessing Controlled Substances Monitoring Program database.
278. Authorizing Board of Medicine promulgate legislative rule relating to licensure, disciplinary and complaint procedures; continuing education; and physician assistants.
279. Authorizing Board of Medicine promulgate legislative rule relating to continuing education for physicians and podiatrists.
280. Authorizing Board of Miner Training, Education and Certification promulgate legislative rule relating to standards for certification of coal mine electricians.
281. Authorizing Department of Transportation promulgate legislative rules.
282. Authorizing DNR promulgate legislative rule relating to special boating.
283. Authorizing DNR promulgate legislative rule relating to special motorboating.
284. Authorizing DNR promulgate legislative rule relating to defining terms used in all hunting and trapping rules.

285. Authorizing DNR promulgate legislative rule relating to prohibitions when hunting and trapping.
286. Authorizing DNR promulgate legislative rule relating to deer hunting.
287. Authorizing DNR promulgate legislative rule relating to general trapping.
288. Authorizing DNR promulgate legislative rule relating to special waterfowl hunting.
289. Authorizing DNR promulgate legislative rule relating to special fishing.
290. Authorizing DNR promulgate legislative rule relating to falconry.
291. Authorizing Board of Optometry promulgate legislative rule relating to continuing education.
292. Authorizing Board of Optometry promulgate legislative rule relating to expanded therapeutic procedures certificates.
293. Authorizing Board of Optometry promulgate legislative rule relating to schedule of fees.
294. Authorizing Board of Osteopathic Medicine promulgate legislative rule relating to licensing procedures for osteopathic physicians.
295. Authorizing Board of Osteopathic Medicine promulgate legislative rule relating to practitioner requirements for controlled substances licensure; accessing Controlled Substances Monitoring Program database.
296. Authorizing Board of Pharmacy promulgate legislative rule relating to ephedrine and pseudoephedrine control.
297. Authorizing Board of Pharmacy promulgate legislative rule relating to controlled substances monitoring.
298. Authorizing Division of Protective Services promulgate legislative rule relating to contracted police or security services.
299. Authorizing Racing Commission promulgate legislative rule relating to thoroughbred racing.
300. Authorizing Racing Commission promulgate legislative rule relating to greyhound racing.
301. Authorizing Racing Commission promulgate legislative rule relating to pari-mutuel wagering.
302. Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to requirements for licensure and certification.
303. Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to renewal of licensure--qualifications for renewal.
304. Authorizing Board of Examiners for Registered Professional Nurses promulgate legislative rule relating to fees for services rendered by board and supplemental renewal fee for Center for Nursing.

305. Authorizing Board of Examiners for Registered Professional Nurses promulgate legislative rule relating to practitioner requirements for accessing Controlled Substances Monitoring Program database.
306. Authorizing Board of Examiners for Registered Professional Nurses promulgate legislative rule relating to announcement of advanced practice.
307. Authorizing Board of Examiners for Registered Professional Nurses promulgate legislative rule relating to limited prescriptive authority for nurses in advanced practice.
308. Authorizing Secretary of State promulgate legislative rule relating to Uniform Commercial Code.
309. Authorizing Secretary of State promulgate legislative rule relating to administration of Address Confidentiality Program.
310. Authorizing Secretary of State promulgate legislative rule relating to regulation of political party headquarters financing.
311. Authorizing Secretary of State promulgate legislative rule relating to regulation of late registration.
312. Authorizing Bureau of Senior Services promulgate legislative rule relating to in-home care worker registry.
313. Authorizing Board of Social Work promulgate legislative rule relating to fee schedule.
314. Authorizing Board of Social Work promulgate legislative rule relating to qualifications for profession of social work.
315. Authorizing Board of Social Work promulgate legislative rule relating to applications.
316. Authorizing Board of Social Work promulgate legislative rule relating to continuing education for social workers and providers.
317. Authorizing Board of Social Work promulgate legislative rule relating to code of ethics.
318. Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to licensure of speech pathology and audiology.
319. Authorizing State Tax Department promulgate legislative rule relating to valuation of commercial and industrial real and personal property for ad valorem property tax purposes.
320. Authorizing Treasurer's Office promulgate legislative rule relating to enforcement of Uniform Unclaimed Property Act.
321. Authorizing Board of Veterinary Medicine promulgate legislative rule relating to organization and operation and licensing of veterinarians.
322. Authorizing Board of Veterinary Medicine promulgate legislative rule relating to schedule of fees.

323. Authorizing Board of Osteopathic Medicine promulgate legislative rule relating to osteopathic physician assistants.

LEVIES:

81. Permitting Monongalia County Commission levy special district excise tax for University Towne Center.
125. Permitting Monongalia County Commission to levy special district excise tax.
500. Authorizing certain counties levy charge on ski lift tickets to fund emergency medical services.
540. Permitting Ohio County and Monongalia County commissions levy special district excise tax.
658. Extending time for Madison City Council to meet as levying body.

LIABILITY:

6. Extending civil liability immunity to parks and recreation district operators.
12. Relating to employer and third-party liability under workers' compensation deliberate intention exception.
24. Subjecting actions brought against nursing homes to Medical Professional Liability Act.
101. Clarifying Medical Professional Liability Act applies to nursing homes and their health care providers.
176. Relating to tort liability actions.
338. Relating to liability of possessor of real property for harm to trespasser.
390. Increasing threshold of defendant's liability in tort action involving multiple defendants.
393. Relating to licensed surveyors exemption from liability for defamation or slander of title.
395. Absolving landowner's civil liability for hunting, trapping or fishing injuries.
450. Establishing comparative fault standard.
484. Providing immunity from liability for ski patrol rendering emergency assistance.
587. Adopting several liability in tortious conduct actions.
629. Limiting liability of landowners, operators and contractors in water pollution abatement projects.

LIBRARIES:

528. Computing local county share of public education library funding.
537. Creating Library Facilities Improvement Fund.
575. Relating to county boards of education funding of public libraries.

LICENSES:

70. Authorizing Secretary of State dissolve corporate entities or revoke certificates of authority under certain circumstances.
140. Allowing National Guard members obtain free hunting and fishing license.
172. Relating to nonintoxicating beer distributor licensees.

- 204. Allowing licensure of certain veterinarians by endorsement.
- 211. Requiring criminal history record check for certain Real Estate Commission license applicants.
- 214. Eliminating interview requirement for certain medical licensee applicants.
- 399. Relating to licensure of insurance adjusters.
- 433. Creating informal dispute resolution process for DHHR providers or licensees.
- 480. Requiring alcohol servers obtain alcohol server permits.
- 586. Relating to licensure of barbers and cosmetologists.
- 620. Requiring state agencies, boards, commissions and entities give tests regionally.

LIENS:

- 85. Permitting filing of bond in escrow to cover mechanic's lien.
- 441. Relating to withdrawal of erroneous state tax liens.
- 509. Imposing statutory liens on certain fire insurance proceeds.

LOCAL BILLS:

- 3. Relating to WV Rt. 2 and I-68 Authority.
- 561. Establishing Tucker County Cultural District Authority.
- 571. Extending time Oceana City Council can meet as levying body.
- 602. Authorizing DOH increase gross weight limitations on certain Brooke County roads.
- 658. Extending time for Madison City Council to meet as levying body.

MILITARY AFFAIRS:

- 9. Honoring Congressional Medal of Honor recipients.
- 33. Exempting all military retirement income from state income tax.
- 96. Expanding PERS military service credit to certain veterans.
- 118. Creating I Support Veterans license plate and license plate for fallen law-enforcement officers next-of-kin.
- 131. Allowing National Guard firefighters continue as civilian Air National Guard firefighters.
- 133. Exempting military, National Guard and reserve income from state income tax.
- 134. Providing campground fee discount to National Guard members.
- 147. Exempting certain military members' motor vehicles from personal property taxation.
- 161. Issuing certain hunting and fishing licenses to National Guard and Reserve members and veterans.
- 173. Establishing policy for higher education students called to active military duty.
- 174. Providing for appointment of advocates for veterans at higher education institutions.
- 380. Expanding Military Incentive Program for economically disadvantaged veterans.
- 460. Exempting certain residents' active duty military pay from state income tax.

- 473. Allowing issuance of ten-year vehicle registration plate to Bronze Star Medal recipients.
- 503. Requiring county commissions purchase and display POW/MIA flag.
- 511. Creating WV Veterans Auxiliary Fund.
- 513. Increasing military retirement income tax exemption.
- 539. Excluding certain veteran disability income when calculating spousal support.
- 558. Exempting certain military service members from training course requirement for concealed weapons license.
- 647. Allowing WV Military Authority receive funds from special revenue accounts.

MINES AND MINERALS:

- 56. Creating Intrastate Coal and Use Act.
- 95. Creating business and occupation tax credit to electric power generators using certain WV mined coal.
- 119. Relating to surface owner's right to purchase mineral estate.
- 424. Terminating state's jurisdiction over certain surface mining operation sites.
- 462. Extending time for informal conferences on surface mining permit applications.
- 472. Implementing state-specific selenium criteria plan.
- 488. Relating to damage to health or safety systems of certain facilities.
- 563. Excluding jewelry platinum, gold, silver and palladium from definition of "scrap metal".
- 595. Permitting surface owners to purchase delinquent mineral interests.
- 627. Requiring certain post-mining land use reclamation utilize Clements State Tree Nursery.

MOTOR VEHICLES – DRIVING UNDER INFLUENCE:

- 90. Creating felony offense of DUI causing death or serious bodily injury.
- 181. Clarifying drugged driving offense.
- 376. Relating to DUI hearings before Office of Administrative Hearings.
- 617. Increasing DUI criminal penalties; Andrea's Law.
- 646. Creating felony offense for DUI causing death.

MOTOR VEHICLES – INSURANCE:

- 443. Increasing minimum proof of financial responsibility in motor vehicle insurance coverage.

MOTOR VEHICLES – LICENSES, REGISTRATION & INSPECTION:

- 45. Relating to biometric and social security number religious exemption on driver's license.
- 49. Exempting certain motor vehicles from personal property tax and requiring antique licenses.
- 118. Creating I Support Veterans license plate and license plate for fallen law-enforcement officers next-of-kin.
- 157. Exempting certain nonresidents from Class D license requirement.
- 178. Creating license plate for fallen law-enforcement officers' next-of-kin.

- 448. Increasing number of demonstration dealer plates issued to large commercial vehicle dealers.
- 473. Allowing issuance of ten-year vehicle registration plate to Bronze Star Medal recipients.
- 491. Relating to rental car license cost recovery fee.
- 501. Creating license plate for fallen law-enforcement officers' next-of-kin.
- 521. Creating amnesty program for certain drivers with suspended or revoked licenses.
- 549. Providing WV will not participate in REAL ID Act of 2005.
- 578. Requiring proof of insurance for motor vehicle registration.

MOTOR VEHICLES – REGULATIONS:

- 459. Relating to warranties for used motor vehicles.

MOTOR VEHICLES – TAXATION:

- 17. Imposing consumers sales tax on utility terrain vehicle sales.
- 49. Exempting certain motor vehicles from personal property tax and requiring antique licenses.
- 147. Exempting certain military members' motor vehicles from personal property taxation.
- 446. Conforming motor fuel taxes with International Fuel Tax Agreement.
- 550. Relating to motor vehicle valuation for ad valorem property tax purposes.

MOTOR VEHICLES (AND RELATED SUBHEADINGS):

- 112. Relating generally to suspension or revocation of driver's license.
- 123. Authorizing operation of low-speed vehicles in municipalities.
- 129. Making failure to wear safety belts primary offense.
- 156. Prohibiting hitch tongues on certain vehicles.
- 427. Clarifying requirements for certain motor vehicle searches.
- 493. Providing standards for converting and retrofitting motor vehicles to alternative fuels.
- 515. Relating to use of television receivers and other devices in vehicles.
- 636. Limiting amount municipalities can receive from certain speeding violation fines.

MUNICIPALITIES:

- 14. Granting counties and municipalities limited exemption from litter laws.
- 46. Decreasing number of jurors on municipal jury.
- 123. Authorizing operation of low-speed vehicles in municipalities.
- 163. Relating to Municipal Home Rule Pilot Program.
- 400. Relating to Municipal Home Rule Pilot Program.
- 435. Continuing Municipal Home Rule Pilot Program.
- 564. Increasing minimum construction cost of municipal public works project before competitive bidding is required.
- 566. Permitting certain municipalities opt into rate regulation by PSC.

636. Limiting amount municipalities can receive from certain speeding violation fines.

NATURAL RESOURCES:

2. Limiting landowner's civil liability for hunting injuries.
59. Creating crossbow hunting license.
65. Exempting PERS retirement income of DNR police officers from state income tax.
110. Requiring certain property reassessments be phased in.
140. Allowing National Guard members obtain free hunting and fishing license.
161. Issuing certain hunting and fishing licenses to National Guard and Reserve members and veterans.
203. Allowing posting of visible paint markings prohibiting hunting or trespassing.
395. Absolving landowner's civil liability for hunting, trapping or fishing injuries.
412. Relating to county conservation district supervisors.
414. Clarifying hunting and fishing license-issuing authorities.
442. Allowing certain persons possess firearms without having hunting license.
467. Revising stocking permit requirements for release of aquatic species into state waters.
485. Increasing compensation of natural resources police officers.
495. Requiring public notice prior to real property acquisition by Outdoor Heritage Conservation Fund Board.
614. Allowing local option election to permit Sunday hunting on private property.

OIL AND GAS:

98. Creating Shale Research, Education, Policy and Economic Development Center at WVU.
167. Creating West Virginia Future Fund.
343. Dedicating portion of oil and gas severance tax to counties and municipalities of origin.
616. Integrating interests in horizontal shallow oil or gas well drilling units.
638. Terminating certain severance tax exemption for production of natural gas or oil.

PARKS AND RECREATION:

6. Extending civil liability immunity to parks and recreation district operators.
196. Relating to Coopers Rock State Forest.
218. Including checkoff option on tax return for Jackson's Mill 4-H Camp.
465. Providing campground fee discount to youth groups undertaking certain community service projects.

PORNOGRAPHY:

205. Prohibiting juveniles from manufacturing, possessing and distributing nude or partially nude images of minors.

640. Revising definition of "obscene matter" to contain specific matter harmful to minors.

PRESCRIPTIONS AND MEDICATIONS:

11. Relating to schedules of controlled substances.
23. Relating to use of epinephrine in emergency situations.
108. Creating Fatality and Mortality Review Team.
148. Creating Medication Therapy Management Act.
162. Reclassifying hydrocodone as Schedule II controlled substance.
379. Expanding prescriptive authority of advanced nurse practitioners and certified nurse-midwives.
429. Redefining "facility" under Medication Administration by Unlicensed Personnel Act.

PROFESSIONS AND OCCUPATIONS:

24. Subjecting actions brought against nursing homes to Medical Professional Liability Act.
29. Providing tax incentive to dental practitioners servicing indigent patients.
70. Authorizing Secretary of State dissolve corporate entities or revoke certificates of authority under certain circumstances.
204. Allowing licensure of certain veterinarians by endorsement.
393. Relating to licensed surveyors exemption from liability for defamation or slander of title.
401. Relating to Board of Registration for Professional Engineers.
543. Allowing Legislative Auditor establish application review fee schedule.
580. Relating generally to practice of dentistry.
642. Relating to requirement of professional engineer serving on sanitary board.

PUBLIC EMPLOYEES:

75. Increasing salaries of State Police civilian and forensic lab employees.
135. Creating Equal Pay Coordinator within Division of Personnel.
136. Removing statutory reference to salary of Women's Commission Executive Director.
137. Requiring state-purchased uniforms be manufactured in United States.
164. Creating State Labor Relations Act.
347. Requiring Public Employees Grievance Board and Division of Personnel provide training seminars to certain persons.
351. Allowing certain employees donate sick leave for leave donation program.
510. Permitting state employees be appointed to state officer position without pay reduction.
529. Requiring county commission be advised before discharging certain county employees.
536. Prohibiting public officials and employees from using public funds for self promotion.

- 548. Requiring county commission be advised before discharging certain county employees.
- 599. Expanding number of hours temporary state personnel may work.
- 612. Prohibiting certain public employee retirants from being reemployed within one year of retirement.
- 651. Allowing state agencies to keep portion of surplus funds for employee bonuses.

PUBLIC SERVICE COMMISSION:

- 102. Authorizing PSC promulgate rules establishing capacity improvement fee requirements.
- 127. Requiring PSC annually report on broadband markets.
- 192. Increasing civil penalties imposed by PSC for pipeline safety violations.
- 463. Increasing special license fee paid by pipeline companies to PSC.
- 566. Permitting certain municipalities opt into rate regulation by PSC.

PUBLIC SERVICE DISTRICTS:

- 82. Relating to public service district board membership.

RAILROADS:

- 103. Creating WV Commuter Rail Access Act.

REAL PROPERTY:

- 18. Relating to appraisal method for certain multifamily rental property for ad valorem property tax.
- 71. Requiring descriptions of easements and rights-of-way include width in addition to centerline; exception.
- 99. Prohibiting increases in assessed value of real property under certain circumstances.
- 116. Relating to crimes against property involving graffiti.
- 119. Relating to surface owner's right to purchase mineral estate.
- 138. Transferring sole ownership of real property to co-owner paying taxes.
- 159. Creating Uniform Real Property Transfer on Death Act.
- 203. Allowing posting of visible paint markings prohibiting hunting or trespassing.
- 338. Relating to liability of possessor of real property for harm to trespasser.
- 552. Creating Uniform Real Property Electronic Recording Act.
- 585. Maintaining residential rental property in habitable condition.
- 635. Permitting landlord to terminate lease on multitenant commercial property under certain circumstances.
- 645. Relating to fair and equitable property valuation.

REGULATIONS:

- 115. Relating generally to horse and dog racing.
- 334. Requiring certain public works employees complete construction safety program.
- 335. Permitting certain hospitals exemption from certificate of need.
- 392. Relating to regulation of fireworks.

- 437. Regulating commercial dog-breeding operations.
- 464. Regulating tanning facilities.
- 659. Requiring National Flood Insurance Program State Coordinator establish permit fees for certain project applications.

RELIGIOUS ORGANIZATIONS:

- 396. Creating WV Religious Freedom Restoration Act.

RETIREMENT – PUBLIC EMPLOYEES:

- 15. Relating to limitation on post-retirement earnings by PERS retirees.
- 65. Exempting PERS retirement income of DNR police officers from state income tax.
- 96. Expanding PERS military service credit to certain veterans.
- 169. Preventing disability pension reduction for certain PERS members.
- 358. Relating to municipal policemen and firemen pensions.
- 403. Relating to judicial retirement system contribution rates.
- 406. Relating to Deputy Sheriff Retirement System Act.
- 418. Relating to Emergency Medical Services Retirement System Act.
- 431. Relating to public employer liability for delinquent retirement contributions.
- 469. Clarifying service credit for certain PERS members.
- 471. Clarifying "years of employment" includes county school board service for retirement purposes.
- 507. Relating to PERS and State Police Retirement System contribution rates.
- 512. Exempting certain state and federal retirement income from state income tax.
- 576. Transferring moneys from Unclaimed Property Trust Fund to Municipal Pensions and Protection Fund.
- 583. Extending time limit for payment of transfer costs to EMS Retirement System.
- 612. Prohibiting certain public employee retirants from being reemployed within one year of retirement.

ROADS AND HIGHWAYS:

- 3. Relating to WV Rt. 2 and I-68 Authority.
- 58. Providing for construction of Lou Tabit Freeway.
- 142. Relating to road and highway improvements by private investors.
- 354. Requiring study on alternative revenue sources for funding state roads.
- 475. Requiring Parkways Authority transfer portion of Turnpike revenue to certain counties.
- 553. Relating to Highway Design-Build Program.
- 602. Authorizing DOH increase gross weight limitations on certain Brooke County roads.
- 633. Relating to residential community waivers for salvage yard establishment.
- 655. Creating Safe and Efficient Parkways Act.

SAFETY:

- 100. Requiring mandatory use of armored vests by law enforcement.

- 129. Making failure to wear safety belts primary offense.
- 158. Creating Complete Streets Act.
- 192. Increasing civil penalties imposed by PSC for pipeline safety violations.
- 334. Requiring certain public works employees complete construction safety program.
- 386. Relating to personal safety orders.
- 451. Clarifying when carbon monoxide detector is required.

SALARIES:

- 75. Increasing salaries of State Police civilian and forensic lab employees.
- 124. Increasing compensation of attorneys appointed in child abuse and neglect proceedings.
- 135. Creating Equal Pay Coordinator within Division of Personnel.
- 136. Removing statutory reference to salary of Women's Commission Executive Director.
- 210. Providing certain magistrate court employees be compensated equally.
- 216. Requiring prevailing hourly rates in public improvements construction.
- 378. Adjusting population line for calculating certain magistrate and staff salaries.
- 510. Permitting state employees be appointed to state officer position without pay reduction.
- 531. Providing elected county officials receive raise based on Consumer Price Index.
- 541. Increasing compensation of certain county officials.
- 641. Increasing compensation caps for family court secretary-clerks and case coordinators.
- 654. Increasing salaries of Division of Corrections' employees.

SECRETARY OF STATE:

- 70. Authorizing Secretary of State dissolve corporate entities or revoke certificates of authority under certain circumstances.
- 505. Publishing certain Secretary of State documents in electronic format only.

SENIOR CITIZENS:

- 62. Increasing low-income qualifier rate for homestead tax credit.
- 106. Relating to Bureau of Senior Services in-home care worker registry.

SUNSET LAW:

- 544. Scheduling departmental performance reviews.

TAXATION – CONSUMERS SALES TAX:

- 17. Imposing consumers sales tax on utility terrain vehicle sales.
- 55. Exempting homeowners' association dues, fees and assessments from consumers sales and service tax.
- 61. Exempting sales of medication prescribed by veterinarians from consumers sales and service tax.

TAXATION – MINES & MINERALS:

- 343. Dedicating portion of oil and gas severance tax to counties and municipalities of origin.

638. Terminating certain severance tax exemption for production of natural gas or oil.

TAXATION – MOTOR VEHICLES:

185. Relating to alternative-fuel motor vehicles and qualified refueling infrastructure tax credits.

TAXATION – PERSONAL & CORPORATE INCOME TAX:

19. Providing personal income tax credit for recycling service fees.
29. Providing tax incentive to dental practitioners servicing indigent patients.
33. Exempting all military retirement income from state income tax.
42. Providing state income tax credit for certain firefighters.
51. Providing personal income tax credit for nursing faculty.
65. Exempting PERS retirement income of DNR police officers from state income tax.
97. Providing personal income tax credit for qualified college student loans.
104. Providing personal income tax deduction for spaying or neutering.
133. Exempting military, National Guard and reserve income from state income tax.
183. Updating terms in Corporation Net Income Tax Act.
184. Updating terms in Personal Income Tax Act.
218. Including checkoff option on tax return for Jackson's Mill 4-H Camp.
436. Eliminating rehabilitated residential building tax credit.
460. Exempting certain residents' active duty military pay from state income tax.
497. Improving emergency preparedness; creating emergency generator tax credit.
512. Exempting certain state and federal retirement income from state income tax.
513. Increasing military retirement income tax exemption.
551. Applying solar energy tax credit to each system installation; extending credit date.
632. Creating emergency generators tax credit for certain businesses.

TAXATION – PROPERTY:

18. Relating to appraisal method for certain multifamily rental property for ad valorem property tax.
49. Exempting certain motor vehicles from personal property tax and requiring antique licenses.
62. Increasing low-income qualifier rate for homestead tax credit.
99. Prohibiting increases in assessed value of real property under certain circumstances.
110. Requiring certain property reassessments be phased in.
138. Transferring sole ownership of real property to co-owner paying taxes.
346. Creating Appraisal Management Companies Registration Act.
489. Permitting community enhancement districts to decrease annual property assessments.
645. Relating to fair and equitable property valuation.

TAXATION – ROADS & FUEL:

- 185. Relating to alternative-fuel motor vehicles and qualified refueling infrastructure tax credits.
- 217. Reducing wholesale tax on certain fuels.
- 366. Relating to tax credit for certain alternative-fuel motor vehicles.
- 446. Conforming motor fuel taxes with International Fuel Tax Agreement.
- 454. Relating to taxation of alternative motor fuels.

TAXATION (AND RELATED SUBHEADINGS):

- 95. Creating business and occupation tax credit to electric power generators using certain WV mined coal.
- 166. Establishing tax credit for certain physicians providing services in free health clinics.
- 167. Creating West Virginia Future Fund.
- 182. Lowering available tax credit amount for film industry.
- 195. Modifying tax rate expiration date on eligible acute care hospitals.
- 357. Including commercial campsite in definition of "hotel" for hotel occupancy tax purposes.
- 377. Redefining "retailer engaging in business in this state" for sales and use tax purposes.
- 440. Relating to disclosure of specified tax information for enforcement of Tobacco Master Settlement Agreement.
- 441. Relating to withdrawal of erroneous state tax liens.
- 445. Allowing Tax Commissioner divert lottery prizes to offset tax liabilities of lottery winners.
- 497. Improving emergency preparedness; creating emergency generator tax credit.
- 593. Increasing excise tax on cigarettes and tobacco products.
- 618. Creating Tax Revenue Act of 2013.

TECHNOLOGY:

- 127. Requiring PSC annually report on broadband markets.
- 515. Relating to use of television receivers and other devices in vehicles.
- 556. Relating to broadband deployment projects.
- 630. Relating to Chief Technology Officer's duties with regard to security of government information.

TOBACCO AND TOBACCO PRODUCTS:

- 389. Relating to alternative nicotine products.
- 440. Relating to disclosure of specified tax information for enforcement of Tobacco Master Settlement Agreement.
- 593. Increasing excise tax on cigarettes and tobacco products.
- 605. Eliminating duplicative reporting requirements on imported cigarettes.
- 649. Requiring certain tobacco product manufacturers not participating in Tobacco Master Settlement Agreement to post bond.

TOURISM:

- 561. Establishing Tucker County Cultural District Authority.
- 634. Imposing tax on telecommunications businesses to benefit Division of Tourism's promotion and maintenance of outdoor activities.

TRANSPORTATION:

- 1. Relating to comprehensive agreements for public-private transportation facilities.
- 20. Exempting certain taxicab companies from Workers' Compensation Fund subscription.
- 103. Creating WV Commuter Rail Access Act.
- 158. Creating Complete Streets Act.
- 186. Relating generally to deposits in Special Railroad and Intermodal Enhancement Fund and Revenue Shortfall Reserve Fund.
- 190. Relating to public-private transportation projects funding.

TREASURER:

- 432. Relating generally to State Treasurer's Office.
- 474. Clarifying when deposits are presumed abandoned for unclaimed property purposes.
- 662. Establishing cap for collections into Department of Agriculture's land division special revenue account.

UNEMPLOYMENT COMPENSATION:

- 619. Relating to disqualification for unemployment benefits as result of strike.

UNIFORM LAWS:

- 426. Amending Uniform Commercial Code.
- 552. Creating Uniform Real Property Electronic Recording Act.
- 582. Implementing terms of Uniform Arbitration Act.
- 611. Updating Uniform Common Interest Ownership Act.

UTILITIES:

- 95. Creating business and occupation tax credit to electric power generators using certain WV mined coal.
- 102. Authorizing PSC promulgate rules establishing capacity improvement fee requirements.
- 192. Increasing civil penalties imposed by PSC for pipeline safety violations.
- 463. Increasing special license fee paid by pipeline companies to PSC.

WATER RESOURCES:

- 467. Revising stocking permit requirements for release of aquatic species into state waters.
- 472. Implementing state-specific selenium criteria plan.
- 596. Determining grant awards for Chesapeake Bay and Greenbrier River watershed compliance projects.

629. Limiting liability of landowners, operators and contractors in water pollution abatement projects.

WORKERS COMPENSATION:

12. Relating to employer and third-party liability under workers' compensation deliberate intention exception.
20. Exempting certain taxicab companies from Workers' Compensation Fund subscription.
168. Providing workers' compensation benefits for mental illness under certain circumstances.
456. Relating to rebuttable presumption for firefighters' disability and death benefits for certain cancers.
606. Awarding attorney fees in certain workers' compensation medical treatment cases.

INDEX TO SENATE JOURNAL
REGULAR SIXTY-DAY (AND EXTENDED) SESSION, 2013

INDEX TO SENATE JOURNAL

REGULAR SIXTY-DAY SESSION, 2013

ABSTRACT (Digest of All Legislation in Journal Proper):

index of	2715
measures that passed both houses (Senate and House bills)	2716-2744
numerical list of all Senate bills and resolutions introduced, together with all House bills and resolutions reaching Senate; complete Senate action on all categories shown	2753-2902
topical index	2903-2947

AMENDMENT:

amendment to committee amendment	1443, 1587, 1686, 1737, 1797-1798, 1888, 1995, 2110, 2135
bill advanced to third with right to amend	1070, 1072, 1576
bill advanced to third with right to amend and amendment pending .	1516, 1989
bill amended on third reading	225-226, 296, 614, 1120, 1128, 1172, 1675-1686, 2106-2111, 2125
bill on third with right to amend	1120, 1128, 1701
bill on third with right to amend and amendment pending	1675, 2106
House amends title only	1265, 1272, 1273, 1616, 1630-1631, 2266, 2322, 2390
provisions of House bill inserted into Senate bill	1275
provisions of Senate bill inserted into House bill	1307, 2045
reconsideration of committee amendment	2135, 2554
reconsideration of title amendment	1457, 2478
rejection of amendment	1137, 1517
Senate amends House title only	2047-2048
withdrawal of committee amendment	1286, 1351, 1457, 1506-1507, 1526, 1687, 1698, 1738, 1773, 1798, 1820, 1918, 1922, 1989, 1990, 1999, 2051, 2053, 2059, 2060, 2064, 2073, 2084, 2088, 2100, 2111, 2113, 2114, 2120, 2135, 2478, 2554

APPENDIX:

remarks	
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BARNES, CLARK S., a Senator from the Eleventh District:

addressed the Senate	2629
appointed minority whip	112
appointed to select committee on children and poverty	125
appointed to standing committees	109-111
bills introduced (by request)	51, 52, 54, 58, 66-67, 68, 69, 73, 77, 80, 85, 89, 99, 118-119, 120, 215, 233, 252, 262, 314-315, 329-330, 367, 385, 408, 432, 433, 454, 483, 484, 529, 532, 563, 581, 582, 583, 596, 599, 693, 765, 769, 772, 773, 812, 814

main motion 2124
 qualified 45-46
 remarks by (ordered printed in appendix) 442, (743), (2629)
 resolutions offered (by request) . . . 158, 349, 435, 1039-1040, 1107, 1167-1168,
 1458, 1490, 1666, 2443, 2445
 yeas and nays demanded by 1113

BEACH, ROBERT D., a Senator from the Thirteenth District:

appointed to standing committees 109-111
 bills introduced (by request) 54, 56, 57-58, 67, 72, 77, 79, 81,
 82, 85, 86, 87, 88, 96, 97-98, 115, 117, 119, 154, 155, 157, 158, 176, 178, 213-
 215, 216, 233- 235, 237, 248, 250-251, 252, 287, 291, 314, 317, 329-330, 331,
 347, 364, 367, 381, 382, 384-385, 386-387, 408-409, 430, 431, 432, 434, 452-
 453, 454, 581, 583, 596, 597, 599, 600, 662, 690, 691-692, 693, 721, 723, 724,
 772, 809, 817, 818, 819
 main motion 843, 1415
 removal of sponsorship 876
 reports by, as chair of committee on transportation
 and infrastructure 186, 300, 309-312, 420-421, 422,
 424, 428-430, 500, 505, 518-527, 545, 546, 555-556, 677-679, 688-689, 751,
 803, 804-805, 807-808, 843, 848-849, 897-898, 901, 956-957, 963-964, 1004-
 1012, 1037-1039, 1317, 1325, 1366-1368, 1392, 1408-1415, 2555-2559, 2560-
 2561, 2563-2564, 2610, 2612, 2617-2618, 2621-2622
 resolutions offered (by request) 104, 105, 121, 123, 160, 182, 238,
 253, 292-293, 352, 370, 387, 537, 605, 665, 727, 729, 775, 781, 783, 820, 1106,
 1107, 1111-1113, 1247, 1249, 1252, 1396, 1458, 1490, 2443

BILL HISTORY AND TOPICAL INDEX 2715-2947

BLAIR, CRAIG, a Senator from the Fifteenth District:

appointed to standing committees 109-111
 bills introduced (by request) 51, 54, 66, 68, 71, 73, 79, 81, 89,
 102, 132, 178, 314-315, 329-330, 360, 363, 386, 431, 432, 433, 563, 581, 582,
 583, 598, 599, 691
 leave of absence granted to 703, 743, 794, 876, 1308
 qualified 5-6
 resolutions offered (by request) 103, 1039-1040, 1107, 1166-1168, 1395,
 1458, 1490, 2443

BOLEY, DONNA J., a Senator from the Third District:

appointed to conference committee as to
 Eng. Com. Sub. for Senate Bill No. 435 1733
 appointed to standing committees 109-111
 bills introduced (by request) 97, 132, 154, 156, 214, 248, 262, 314
 329-330, 363, 453, 583, 772, 816, 819

qualified	5-6
remarks by (ordered printed in appendix)	(978)
resolutions offered (by request)	732-733, 1039-1040, 1107, 1167-1168, 1395, 1458, 1490, 2443

BUDGET BILL:

annual budget bill submitted by Governor (Ex. Message No. 1)	113-114
approved by Governor	2674
presented to Governor (Enr. Com. Sub. for H. B. No. 2014)	2655

CANN, SAMUEL J., a Senator from the Twelfth District:

appointed by Governor to fill unexpired term of Honorable Joseph M. Minard	46
appointed to standing committees	109-111
bills introduced (by request)	81-84, 85, 86, 248, 251, 262, 265, 287, 291, 313, 314, 329-330, 344, 345, 347, 367, 408, 409, 431, 453, 454, 485, 527-528, 530, 532, 557, 560-562, 564, 599, 691, 695, 765, 772-773, 809, 810, 814, 815, 817
main motion	2551, 2554
qualified	47
remarks by (ordered printed in appendix)	(2116)
resolutions offered (by request)	238, 334, 336, 349, 352, 387, 436, 584, 857, 1042, 1107, 1247, 1249, 1458, 1490, 1497, 1498, 2443, 2445

CARMICHAEL, MITCH, a Senator from the Fourth District:

appointed to conference committee as to Eng. Com. Sub. for House Bill No. 2585	1477
appointed to select committee to notify House of Delegates Senate has assembled and organized (S. R. No. 2)	34
appointed to select committee to notify House of Delegates Senate is ready to adjourn <i>sine die</i> (S. R. No. 70)	2652-2653
appointed to standing committees	109-111
bills introduced (by request)	51, 52, 54, 58, 61, 65, 71, 89, 102, 121, 131-132, 178, 214, 262, 314, 317, 329-330, 332, 344, 360, 363, 367, 386, 407, 431, 432, 453, 454, 530, 563, 581, 583, 598, 599, 691, 694, 723, 767, 770- 771, 772, 812, 813, 814
birthday noted	2637
qualified	5-6
remarks by (ordered printed in appendix)	(978)
resolutions offered (by request)	182, 223, 486, 729, 1039-1040, 1107, 1166-1170, 1247, 1249, 1252, 1282, 1284, 1395, 1458, 1490, 1498, 2443
yeas and nays demanded by	1161

CHAFIN, H. TRUMAN, a Senator from the Sixth District:

appointed to conference committee as to Eng. Senate Bill No. 623	2133
appointed to standing committees	109-111

bills introduced (by request) 119, 158, 258, 262, 265, 266, 329-330, 332, 334, 406, 408, 411, 431-432, 454, 484, 557, 562, 564, 581, 596, 601, 690, 768, 772-773, 809, 811, 815, 816

called Senate to order 1

main motion 455

nominated Howard L. Wellman, sergeant at arms of Senate 33

remarks by (ordered printed in appendix) (396), 456, (838), (1039), (1109)

resolutions offered (by request) 159, 160, 223, 238, 241, 334, 336, 348, 468, 474, 488, 603, 663, 856, 1107, 1166-1167, 1282, 1396, 1399-1400, 1458, 1490, 1492, 1497, 1498, 1652, 2443

CLERK OF THE SENATE (Joseph M. Minard):

authorized to appoint employees of Senate (S. R. No. 5) 36-41

clerk's note 1637, 2650

communications presented by 1, 163-172, 246, 2018

executive communications presented by 3, 46, 48, 802, 1456, 2639, 2673

filed conference reports announced 2017, 2035, 2099, 2394, 2451

oaths of office, administered by 47

nominated, elected and qualified as clerk of Senate 32

proclamation from Governor, read by 1480

COLE, WILLIAM, a Senator from the Sixth District:

appointed to conference committee as to
 Eng. Com. Sub. for Senate Bill No. 265 2049

appointed to conference committee as to
 Eng. Com. Sub. for Senate Bill No. 580 1734

appointed to conference committee as to
 Eng. Senate Bill No. 623 2133

appointed to standing committees 109-112

bills introduced (by request) 51, 52, 58, 65, 71, 132, 314, 329-330, 363, 431, 432, 530, 563, 581, 584, 599, 691, 694, 811

qualified 5-6

resolutions offered (by request) 223, 238, 241, 243, 486, 603, 856, 1039-1040, 1107, 1166-1170, 1282, 1395, 1396, 1399-1400, 1458, 1490, 1492, 1498, 1652, 2443

COMMITTEES, CONFERENCE (action, appointments and reports from):

on S. B. No. 108

appointed by House 1711

appointed by Senate 1712

report filed 2035

report 2543-2550

report adopted by Senate 2550

report adopted by House 2615

on Com. Sub. for S. B. No. 265

appointed by House 2049

appointed by Senate 2049

report filed 2451

report	2564-2573
report adopted by Senate	2574
report adopted by House	2615
on Com. Sub. for S. B. No. 386	
appointed by House	2049
appointed by Senate	2049-2050
report filed	2099
report	2479-2481
report adopted by Senate	2481
report adopted by House	2615
on Com. Sub. for S. B. No. 435	
appointed by House	1733
appointed by Senate	1733
report filed	2451
report	2575-2586
report adopted by Senate	2586
report adopted by House	2616
on Com. Sub. for S. B. No. 580	
appointed by House	1734
appointed by Senate	1734
report filed	2394
report	2482-2541
report adopted by Senate	2541
report adopted by House	2616
on S. B. No. 623	
appointed by House	2133
appointed by Senate	2133
on Com. Sub. for H. B. No. 2014	
appointed by Senate	2336
appointed by House	2590
report	2650
report adopted by House	2649
report adopted by Senate	2650
on Com. Sub. for H. B. No. 2585	
appointed by Senate	1477
appointed by House	1734
report filed	2017
report	2542-2543
report adopted by House	2541
report adopted by Senate	2543

COMMITTEES, SELECT:

on children and poverty, announced	125
reports from	945-946, 1346-1348
to escort president-elect to chair	29
to inform Governor Legislature is organized	35
to inform House of Delegates Senate has assembled and organized	34

to join House group and escort Governor to joint assembly	108
to notify Governor Legislature is ready to adjourn <i>sine die</i>	2653
to notify House of Delegates Senate is ready to adjourn <i>sine die</i>	2652

COMMITTEES, STANDING:

on agriculture and rural development, announced	109
reports from	173, 283-285, 286, 376-377, 379-380, 649-650, 657-658, 659, 846-847, 854, 860-863, 1322, 1334, 1342-1348
on banking and insurance, announced	109
reports from	281-282, 285-286, 646-647, 655-656, 659-660, 844, 850-852, 853-854, 1320-1321, 1330-1331, 1341-1342
on confirmations, announced	109
reports from	2018-2033
on economic development, announced	109
reports from	322-323, 546, 547-548, 710, 717-719, 933-934, 945, 1233-1235, 1450, 1499-1503
on education, announced	109
reports from	246, 342, 402-403, 506-511, 513, 577-579, 712-713, 749-750, 761, 882, 903, 982-983, 987-988, 995, 1244, 1262, 1369, 1370, 1376, 1379, 1597-1598, 1599-1601, 1605-1606, 1607, 1614, 1660- 1664
on energy, industry and mining, announced	110
reports from	304, 399, 502-503, 515-516, 657, 658, 903-904, 1242, 1246-1247, 1392-1393, 1394
on enrolled bills, announced	112
reports from	747, 1281, 2635-2637, 2640-2641
post-session reports from	2654-2673
on finance, announced	110
reports from	300-301, 377-378, 397, 399-400, 424-425, 501, 504, 547, 549, 552, 650-654, 677, 686, 708, 710, 716-717, 757- 760, 761-762, 764, 841, 842, 843, 848, 884-888, 896, 935-936, 943, 956, 959- 963, 979-980, 992, 993, 1077-1079, 1082-1083, 1084, 1085-1086, 1090-1092, 1102, 1142, 1144, 1316-1317, 1325, 1326-1327, 1333, 1373, 1389-1390, 1452- 1453, 1455, 1483-1484, 1487-1488, 1489-1490, 1598-1599, 1603-1604, 1613- 1614, 1643-1644, 1651-1652, 2612-2614
on government organization, announced	110
reports from	229, 231-233, 301-303, 305, 324-327, 328-329, 404, 419-420, 421-422, 425-427, 500, 505-506, 511-512, 549-552, 556, 675-676, 681, 683-684, 686-688, 706-708, 711, 713, 720-721, 899-900, 901-902, 904-905, 930, 936-938, 939, 941-942, 986-987, 989-991, 1083-1084, 1088-1089, 1236-1238, 1240, 1245, 1246, 1327, 1328-1329, 1332-1333, 1371-1372, 1375, 1377, 1378, 1422-1424, 1448-1449, 1450, 1451-1452, 1453, 1485, 1605, 1656- 1660, 2614
on health and human resources, announced	110
reports from	247-248, 303, 307, 308, 340-342, 397-398, 400-402, 443, 445-447, 497-498, 503-504, 516-517, 574-577, 895, 907- 908, 988, 995-996, 1001-1002, 1374, 1376-1377, 1402-1408
on interstate cooperation, announced	110

reports from	552-553, 942
on the judiciary, announced	110
reports from	126-127, 185, 230, 282-283, 322, 329, 340, 376, 423, 427-428, 444-445, 448-451, 480-483, 499, 512-513, 514, 554-555, 574, 579-580, 648-649, 654-655, 676-677, 682-683, 685, 709, 714-716, 748-749, 753-757, 841-842, 845-846, 852-853, 888-895, 896-897, 931-933, 935, 938, 940, 944, 957-959, 980-981, 983-986, 989, 992-993, 994, 999-1001, 1002-1004, 1074-1077, 1079-1082, 1085, 1086-1088, 1089, 1102-1103, 1143, 1239, 1240, 1242-1243, 1244, 1245-1246, 1258-1260, 1261-1262, 1317-1320, 1321, 1322-1323, 1324, 1328, 1329-1330, 1331-1332, 1334-1335, 1368, 1372, 1373, 1375, 1378, 1390-1391, 1394, 1449, 1451, 1454-1455, 1482-1483, 1484-1485, 1486, 1489, 1601-1602, 1606, 1607-1613
on labor, announced	111
reports from	327-328, 679-681, 902, 1260-1261
on military, announced	111
reports from	403-404, 515, 689, 883-884, 898-899, 1323-1324
on natural resources, announced	111
reports from	305-306, 307-308, 502, 514, 517, 763, 888, 1415-1422, 1455-1456
on pensions, announced	111
reports from	256-258, 358-360, 463-467, 802-803, 804, 806-807, 1369-1370
on rules, announced	111
reports from	1596-1597, 1642-1643, 1664-1666
on transportation and infrastructure, announced	111
reports from	186, 300, 309-312, 4520-421, 422, 424, 428-430, 500, 505, 518-527, 545-546, 555-556, 677-679, 688-689, 751, 803, 804-805, 807-808, 843, 848-849, 897-898, 901, 956-957, 963-964, 1004-1012, 1037-1039, 1317, 1325, 1366-1368, 1392, 1408-1415, 2555-2559, 2560-2561, 2563-2564, 2610, 2612, 2617-2618, 2621-2622

COOKMAN, DONALD H., a Senator from the Fifteenth District:

appointed by Governor to fill unexpired term of	
Honorable Walt Helmick	48
appointed to conference committee as to	
Eng. Com. Sub. for Senate Bill No. 265	2049
appointed to conference committee as to	
Eng. Com. Sub. for Senate Bill No. 386	2049-2050
appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 2585	1477
appointed to select committee on children and poverty	125
appointed to select committee to notify House of Delegates	
Senate is ready to adjourn <i>sine die</i> (S. R. No. 70)	2652-2653
appointed to standing committees	109-112
bills introduced (by request)	117, 132, 176, 250, 266, 287, 292, 314-316, 329-330, 343, 347, 364, 408, 432, 452, 454, 467, 557, 596, 599-600, 662, 663, 690, 691, 694, 695-696, 722, 766, 767, 768, 773, 809, 813, 815

qualified	49
reports by, as chair of committee on enrolled bills	747, 1281, 2635-2637, 2640-2641, 2654-2655, 2656-2658
resolutions offered (by request)	276-277, 292, 349, 435, 564, 908, 964, 1103-1106, 1007, 1111-1113, 1458, 1490, 2443
DOORKEEPER (Anthony Gallo):	
nominated, reelected and qualified as doorkeeper of Senate	33
EDGELL, LARRY J., a Senator from the Second District:	
appointed President <i>pro tempore</i>	112
appointed to select committee on children and poverty	125
appointed to select committee to escort Governor to joint assembly (H.C.R. No. 3)	108
appointed to standing committees	109-112
bills introduced (by request)	75, 77, 78, 97, 217-218, 313, 314, 329-330, 347, 367, 406, 408, 409, 410, 431, 452, 454, 529, 561, 581, 582, 690, 691, 722, 723, 765, 767, 772, 811, 816, 817
remarks by (ordered printed in appendix)	(1252)
resolutions offered (by request)	104, 221, 238, 387, 775, 781, 783, 1041, 1107, 1247, 1458, 1490, 2443
EXECUTIVE NOMINATIONS:	
acknowledgement; as to receipt of Governor's list of state office nominees submitted	153, 1233, 1316
correction of	1315-1316
made special order of business	153, 1233
Senate session to act on	2033-2035
withdrawal of	357
FACEMIRE, DOUGLAS E., a Senator from the Twelfth District:	
appointed to conference committee as to Eng. Com. Sub. for House Bill No. 2014	2336
appointed to standing committees	109-111
bills introduced (by request)	77-78, 265, 313, 314, 329-330, 347 364, 367, 381, 383, 384-385, 405, 409, 431, 454, 468, 582, 690, 765, 767, 772, 809, 814, 816, 817
qualified	5-6
reports by, as chair of committee on energy, industry and mining	304, 399, 502-503, 515-516, 657, 658, 903-904, 1242, 1246-1247, 1392-1393, 1394
reports by, as vice chair of committee on finance	501, 504
resolutions offered (by request)	334, 336, 349, 436, 857, 1041, 1042, 1107, 1458, 1490, 1497, 1498, 2443, 2445
FITZSIMMONS, ROBERT J., a Senator from the First District:	
appointed by Governor to fill unexpired term of Honorable Orphy Klempa	3

appointed to conference committee as to Eng. Com. Sub. for Senate Bill No. 580	1734
appointed to select committee to notify Governor Legislature has assembled and organized (S. R. No. 3)	35
appointed to select committee to notify Governor Legislature is ready to adjourn <i>sine die</i> (S. R. No. 71)	2653
appointed to standing committees	109-112
bills introduced (by request)	53, 61, 72, 77, 81, 86, 94, 96, 98, 99, 100, 101, 116, 117, 118, 121, 129-130, 131, 132, 155, 157, 158, 176, 214, 215, 218, 234, 235, 237, 248, 249-250, 251, 262, 287, 291, 313-314, 329-330, 343, 345, 367, 381, 384, 385, 406, 408, 410, 411, 431, 452, 467, 484, 485, 527, 528-529, 557, 562, 563, 564, 581, 582, 584, 596, 599, 600, 601, 662, 690, 691, 693, 695, 722, 766, 768, 772, 773, 813, 815, 818, 819
birthday noted	418
qualified	3
reports by, as member of committee on enrolled bills	2658-2673
resolutions offered (by request)	121, 123, 160, 182, 223, 253, 292-293, 352, 387, 413, 414-415, 470, 486, 567, 569, 605, 725, 729, 734-735, 859, 908, 964, 1041, 1107, 1111-1113, 1168-1170, 1247, 1249, 1252, 1396, 1401, 1458, 1490, 1495, 2443

GOVERNOR:

action on bills	802, 1456, 2639, 2673-2677
addressed joint assembly	113
annual reports (Ex. Message No. 6)	1383-1388
budget bill approved by Governor	2674
budget bill submitted by Governor (Ex. Message No. 1)	113-114
committee appointed to escort Governor to joint assembly	108
executive nominations from Governor (Ex. Message Nos. 2, 4)	141-153, 1231-1233
executive nominations from Governor corrected (Ex. Message No. 5)	1315-1316
executive nominations from Governor withdrawn (Ex. Message No. 3)	357
probation and parole report (Ex. Message No. 7)	1389
proclamation extending session	1481-1482
veto messages: Enr. Com. Sub. for S. B. No. 21	2677-2678
Enr. S. B. No. 65	2678-2679
Enr. S. B. No. 331	2679-2681
Enr. Com. Sub. for H. B. No. 2431	2641-2642
Enr. Com. Sub. for H. B. No. 2738	2681-2682
Enr. H. B. No. 2814	2644-2645
Enr. H. B. No. 3160	2646-2647

GREEN, MIKE, a Senator from the Ninth District:

appointed to standing committees	109-110
bills introduced (by request)	51, 52, 55, 60, 77, 80, 84, 98, 176, 249, 262, 265, 313, 314, 318, 329-330, 343, 360, 365, 367, 406, 408, 409, 410, 431, 432, 452, 453, 483, 528, 530, 581-582, 583, 599, 601, 662-663, 690, 691, 695, 765, 772, 810-811, 819
main motion	50, 2033-2034
remarks by (ordered printed in appendix)	(702)
reports by, as chair of committee on confirmations	2018-2033
resolutions offered (by request)	180, 219, 243, 387, 411-412, 413, 414-415, 468, 470, 472, 603, 779, 821-822, 1107, 1166-1167, 1252, 1396, 1458, 1490, 1497, 1498, 2443, 2445

HALL, DANIEL, a Senator from the Ninth District:

appointed to select committee to notify House of Delegates	
Senate has assembled and organized (S. R. No. 2)	34
appointed to select committee to notify House of Delegates	
Senate is ready to adjourn <i>sine die</i> (S. R. No. 70)	2652-2653
appointed to standing committees	109-111
bills introduced (by request)	51, 74, 129, 130, 131, 132, 216, 217, 235, 248-249, 262, 265, 287, 313-314, 318, 329-330, 331-332, 344, 345, 360, 363, 367, 384, 406, 407, 408-409, 431, 432, 452, 453, 483, 485, 529, 530, 562, 564, 581-582, 583, 584, 600, 601, 661, 662-663, 690-691, 692, 767, 772, 809, 810-811, 817, 818, 819
qualified	5-6
remarks by (ordered printed in appendix)	1264
resolutions offered (by request)	105, 121, 123, 219, 223, 238, 243, 253, 292-293, 318, 352, 413, 414-415, 436, 488, 533, 567, 584, 603, 665, 779, 821- 822, 964, 1041, 1107, 1166-1167, 1168-1170, 1247, 1249, 1252, 1335, 1337, 1339, 1396, 1458, 1490, 1492, 1495, 1497, 1498, 1653-1654, 2443, 2445

HALL, MIKE, a Senator from the Fourth District:

addressed the Senate	2589
appointed minority leader	112
appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 2014	2336
appointed to select committee on children and poverty	125
appointed to select committee to escort Governor	
to joint assembly (H. C. R. No. 3)	108
appointed to select committee to escort	
President-elect to chair	29
appointed to standing committees	109-111
bills introduced (by request)	54, 89, 154, 156, 158, 214, 235, 262, 314, 329-330, 367, 431, 453, 454, 530, 532, 563, 581, 599, 691, 694, (725), 772, 811, 812
bills introduced by request of executive	114, 133-140, 155, 174-176, 236, 252, 258, 264, 287-291, 313, 558-560, 768

prayer by 2634, 2635
 remarks by (ordered printed in appendix) 702, (2589)
 removal of sponsorship 183-184
 resolutions offered (by request) 41, 1039-1040, 1107, 1167-1168,
 1395, 1396, 1458, 1490, 2443

HELMICK, WALT, a Senator from the Fifteenth District:
 resignation announced 47

JENKINS, EVAN H., a Senator from the Fifth District:
 appointed to conference committee as to
 Eng. Senate Bill No. 108 1712
 appointed to conference committee as to
 Eng. Com. Sub. for Senate Bill No. 265 2049
 appointed to standing committees 109-111
 bills introduced (by request) 50, 51-54, 56-58, 59, 60, 61, 63-65,
 69-70, 75, 77, 81, 85, 86, 87, 88, 89, 94, 115, 121, 128, 129, 131, 132, 154, 156,
 214, 233, 235, 248, 258, 262, 287, 291, 292, 314, 329-330, 344, 347, 348, 361,
 363, 366-367, 381, 384, 406, 408, 411, 431, 433, 527, 561, 562, 564, 596, 599,
 690-691, 694, 721, 722, 768, 772-773, 809, 815, 816-817, 818
 petitions presented by 1044, 2450
 reports by, as chair of committee on pensions 256-258, 358-360, 463-467,
 802-803, 804, 806-807, 1369-1370
 resolutions offered (by request) 103, 104, 105, 121, 123, 160, 223, 238,
 241, 292-293, 318, 413, 414-415, 470, 491, 533, 535, 537, 567, 729, 734-735,
 856, 859, 908, 964, 1107, 1168-1170, 1247, 1249, 1252, 1335, 1337, 1339, 1396,
 1458, 1495, 1498, 1653-1654, 2443

JOINT ASSEMBLY:
 to hear an address by the Governor
 (H. C. R. No. 3) 113
 to open and publish election returns
 (H. C. R. No. 1) 43

KESSLER, JEFFREY V., a Senator from the Second District:
 (see President of the Senate)

KIRKENDOLL, ART, a Senator from the Seventh District:
 appointed to conference committee as to
 Eng. Senate Bill No. 108 1712
 appointed to select committee to notify Governor
 Legislature has assembled and organized (S. R. No. 3) 35
 appointed to select committee to notify Governor
 Legislature is ready to adjourn *sine die* (S. R. No. 71) 2653
 appointed to standing committees 109-111
 bills introduced (by request) 97, 154, 156, 158, 214, 215, 234, 313,
 314, 317, 329-330, 331, 364, 367, 409, 410, 431, 453-454, 483, 532, 557, 561-
 562, 581-582, 584, 596, 599, 691, 693, 695, 765, 768, 772

qualified 5-6
 reports by, as chair of committee on
 interstate cooperation 552-553, 942
 resolutions offered (by request) 104, 105, 180, 218, 219, 238, 268, 271,
 273, 275, 370, 411-412, 565, 775, 1041, 1107, 1458, 1490, 1497, 1498, 2443,
 2445

KLEMPA, ORPHY, a Senator from the First District:
 resignation announced 2

LAIRD, WILLIAM R., IV, a Senator from the Tenth District:
 appointed majority whip 112
 appointed to select committee on children and poverty 125
 appointed to standing committees 109-111
 bills introduced (by request) 58, 59, 60-61, 84, 86-87, 88, 95, 96,
 117, 128-129, 132, 154, 156-157, 214, 215, 216, 235, 262, 265, 266, 287, 291,
 314, 318, 329-330, 331, 345, 347, 348, 364, 381, 407, 408, 409, 410-411, 431,
 432, 433, 452, 467, 468, 528, 529, 557, 564, 581-582, 596, 690, 691, 695, 767,
 768, 772, 809, 811, 812, 813, 817, 818
 main motion 1254, 1422
 petitions presented by 1114
 qualified 5-6
 remarks by (ordered printed in appendix) 1264
 reports by, as chair of committee on
 natural resources 305-306, 307-308, 502, 514, 517,
 763, 888, 1415-1422, 1455-1456
 resolutions offered (by request) 104, 105, 121, 160, 179, 223, 267, 276-277,
 292-293, 318, 387, 413, 414-415, 470, 472, 564, 727, 821-822, 1041, 1107,
 1168-1170, 1335, 1458, 1490, 2443
 withdraws (committee) amendment (1990), (2114)

MCCABE, BROOKS F., JR., a Senator from the Seventeenth District:
 appointed to standing committees 109-111
 bills introduced (by request) 50-51, 52, 53, 54, 56, 62, 65, 69, 71,
 75, 79, 80, 84, 85, 86, 88, 94, 95, 97, 98, 129, 176, 177, 234, 235, 250, 251, 258,
 262, 265, 314, 318, 329-330, 344, 347, 361, 366-367, 381, 382, 383, 384, 409,
 411, 431, 432, 452, 454, 485, 527-528, 532, 560-561, 563, 564, 596-597, 600,
 662, 690-691, 721, 724, 769, 770, 772, 810, 815
 nominated Anthony Gallo, doorkeeper of Senate 33
 prayer by 2639
 remarks by (ordered printed in appendix) (2586)
 resolutions offered (by request) 104, 105, 179, 223, 238, 292-293, 318,
 334, 349, 352, 387, 413, 414-415, 470, 472, 474, 486, 567, 569, 584, 601, 663,
 665, 729, 734-735, 778, 783, 908, 964, 1041, 1107, 1166-1167, 1168-1170,
 1247, 1249, 1252, 1284, 1335, 1395, 1396, 1458, 1490, 1498, 1653-1654, 2443,
 2445

MILLER, RONALD F., a Senator from the Tenth District:

addressed the Senate	2077
appointed to conference committee as to Eng. Com. Sub. for Senate Bill No. 386	2049-2050
appointed to conference committee as to Eng. Com. Sub. for Senate Bill No. 435	1733
appointed to select committee on children and poverty	125
appointed to select committee to notify House of Delegates Senate has assembled and organized (S. R. No. 2)	34
appointed to standing committees	109-111
bills introduced (by request)	55, 57-58, 60-61, 65, 67, 73, 75, 77, 80, 81, 84-85, 86-87, 88, 91, 95-97, 99, 117, 128-129, 132, 154, 156-157, 158, 178, 214, 215, 216, 235, 248-249, 262, 264, 265, 266, 291, 314, 317, 329-330, 331, 333, 343, 345, 346-347, 348, 363, 381, 384, 408, 430, 432, 433, 452, 467, 483, 485, 530, 557, 561, 562, 564, 582, 584, 596, 597, 600-601, 662, 690, 691, 692, 695, 724, 765, 768, 772, 808, 809, 811, 817, 818
main motion	855, 863, 1346
prayer by	2018
remarks by (ordered printed in appendix)	(228), 396, 702, 1264
reports by, as chair of committee on agriculture and rural development	173, 283-285, 286, 376-377, 379-380, 649-650, 657-658, 659, 846-847, 854, 860-863, 1322, 1334, 1342-1346
resolutions offered (by request)	104, 105, 121, 123, 159, 160, 179, 223, 238, 267, 292-293, 336, 352, 387, 470, 472, 564, 727, 729, 732-733, 734-735, 821-822, 1107, 1166-1167, 1168-1170, 1458, 1490, 2443

MINARD, JOSEPH M., a Senator from the Twelfth District:

resignation announced	32
nominated, elected and qualified as clerk of Senate	32

NOHE, DAVID C., a Senator from the Third District:

appointed to conference committee as to Eng. Com. Sub. for Senate Bill No. 386	2049-2050
appointed to standing committees	109-111
bills introduced (by request)	54, 115, 119, 132, 154, 157, 158, 214, 215-216, 234, 235, 262-263, 314, 329-330, 348, 360, 363, 432, 483, 484, 485, 563, 581, 584, 596, 599, 691, 722, 768
nominated Mike Hall, president of Senate	28
remarks by (ordered printed in appendix)	(1122)
removal of sponsorship	183-184
resolutions offered (by request)	732-733, 1039-1040, 1107, 1395, 1458, 1490, 2443

PALUMBO, COREY, a Senator from the Seventeenth District:

appointed to select committee on children and poverty	125
appointed to standing committees	109-112

bills introduced (by request) 88, 98, 119, 154, 156, 158, 177, 214, 233-234, 235, 262, 314, 315-316, 329-330, 334, 343, 347, 381, 408-409, 410, 432, 433-434, 452, 484, 485, 532, 557, 560-561, 562-563, 564, 596, 600, 601, 662, 691, 694, 695-696, 721, 722, 724, 766, 768, 772, 773, 813, 815, 817

main motion 789, 1332, 1456, 1457

qualified 5-6

remarks by (ordered printed in appendix) (2586)

reports by, as chair of committee on

 the judiciary 126-127, 185, 230, 282-283, 322, 329, 340, 376, 423, 427-428, 444-445, 448-451, 480-483, 499, 512-513, 514, 554-555, 574, 579-580, 648-649, 654-655, 676-677, 682-683, 685, 709, 714-716, 748-749, 753-757, 841-842, 845-846, 852-853, 888-895, 896-897, 931-933, 935, 938, 940, 944, 957-959, 980-981, 983-986, 989, 992-993, 994, 999-1001, 1002-1004, 1074-1077, 1079-1082, 1085, 1086-1088, 1089, 1102-1103, 1143, 1239, 1240, 1242-1243, 1244, 1245-1246, 1258-1260, 1261-1262, 1317-1320, 1321, 1322-1323, 1324, 1328, 1329-1330, 1331-1332, 1334-1335, 1368, 1372, 1373, 1375, 1378, 1390-1391, 1394, 1449, 1451, 1454-1455, 1482-1483, 1484-1485, 1486, 1489, 1601-1602, 1606, 1607-1613

reports by, as member of committee

 on enrolled bills 2655-2656

resolutions offered (by request) 121, 123, 179, 387, 414-415, 486, 537, 567, 601, 663, 665, 778, 783, 1041, 1107, 1396, 1399-1400, 1401, 1458, 1490, 2443

withdraws (committee) amendment (1457), (1687), (2060), (2100), (2111), (2478), (2554)

PLYMALE, ROBERT H., a Senator from the Fifth District:

appointed to conference committee as to

 Eng. Senate Bill No. 623 2133

appointed to conference committee as to

 Eng. Com. Sub. for House Bill No. 2014 2336

appointed to select committee on children and poverty 125

appointed to standing committees 109-111

bills introduced (by request) 50, 52, 53, 56, 60, 62, 63, 69, 70, 77, 79, 83, 85, 87, 97, 154, 156, 157, 158, 214, 216, 233, 235, 238, 248, 250, 251, 252, 258, 262, 266, (291), 292, 313, 314, 315-316, 317, 329-330, 347, 363-364, 367, 380-381, 382-383, 384, 385, 406-407, 408-409, 411, 431, 434, 467, 468, 530-531, 532, 557, 564, 581, 596, 662, 690-691, 695, 721, 722, 724, 765, 767, 768, 773, 774, 809, 811, 812, 813, 815, 816, 817, 818

birthday noted 245

main motion 343, 875, 1662, 1664

petitions presented by 571, 1044, 1285

qualified 5-6

remarks by (ordered printed in appendix) (1252)

reports by, as chair of committee on

 education 246, 342, 402-403, 506-511, 513, 577-579, 712-713, 749-750, 761, 882, 903, 982-983, 987-988, 995, 1244, 1262, 1369, 1370, 1376, 1379, 1597-1598, 1599-1601, 1605-1606, 1607, 1614, 1660-1664

resolutions offered (by request) 159, 160, 179, 180, 182, 223, 238, 239,
 241, 243, 276-277, 292-293, 336, 348, 352, 370, 387, 413, 414-415, 435, 436,
 470, 472, 491, 533, 535, 537, 565, 567, 569, 584, 665, 729, 732-733, 734-735,
 781, 783, 821-822, 856, 857, 859, 908, 964, 1041, 1106, 1107, 1111-1113, 1168-
 1170, 1396, 1458, 1490, 1497, 1498
 withdraws (committee) amendment (1738), (1918), (1999), (2051), (2053),
 (2084), (2120), (2135)

PRAYER:

daily 1, 45, 114, 125, 141, 162, 184, 228,
 246, 255, 280, 299, 321, 339, 356, 375, 396, 418, 442, 457, 478, 497, 542, 573,
 593, 639, 674, 703, 743, 794, 838, 877, 947, 996, 1033, 1093, 1162, 1200, 1255,
 1265, 1308, 1380, 1463, 1615, 2018, 2634, 2635, 2638, 2639

PRESIDENT OF THE SENATE (Jeffrey V. Kessler):

announced appointments to standing committees 108
 appointed conference committees 1477, 1712, 1733, 1734, 2049-2050,
 2133, 2336
 appointed majority leader 112
 appointed majority whip 112
 appointed minority leader 112
 appointed minority whip 112
 appointed president *pro Tempore* 112
 appointed select committees 34, 35, 108, 125
 appointment of executive director, regional jail and
 correctional facility authority 49
 bills introduced (by request) 57-58, 59, 65, 77, 79, 86, 97, 99, 101,
 117, 128-129, 130, 156, 157, 176, 216, 233, 235, 248, 251, 262, 265, 287, 291,
 313-314, 329-330, 334, 345, 346-347, 381, 384, 406, 408, 409, 410, 411, 430,
 431, 432, 452, 453, 454, 485, 532, 557, 561, 581-582, 584, 599, 690-691, 693,
 695-696, 722-723, 724, 765, 766, 767, 770, 772, 773, 809, 811, 813, 817, 819
 bills introduced by request of executive 114, 133-140, 155, 174-176, 236,
 252, 258, 264, 287-291, 313, 558-560, 725, 768
 budget bill presented by 113
 communications presented by 49, 172-173, 184, 542
 executive communications presented by 2641, 2644-2645, 2646
 executive messages presented by 113, 1315, 1383, 1388-1389
 executive nominations (withdrawn) presented by 141, (357), 1230
 laid governor's proclamation extending session 1480
 nominated, reelected and qualified as president of Senate 29
 petitions presented by 107
 points of order ruled on 226
 presided as president 29, 45, 114, 125, 141, 162, 184, 228,
 246, 255, 280, 299, 321, 339, 356, 364, 367, 375, 396, 418, 442, 457, 478, 497,
 542, 573, 593, 639, 674, 703, 743, 794, 838, 877, 947, 996, 1033, 1093, 1162,
 1200, 1255, 1264, 1308, 1380, 1463, 1615, 2018, 2634, 2635, 2638, 2639
 qualified 5-6

remarks by, ordered extended in journal	31
reports by, as chairman <i>ex officio</i> of	
committee on rules	1596-1597, 1642-1643, 1664-1666
resolutions offered (by request)	41, 104, 160, 223, 238, 239, 241, 243, 276-277, 292-293, 318, 352, 387, 413, 414-415, 436, 470, 472, 486, 488, 491, 533, 535, 537, 567, 569, 584, 605, 665, 725, 729, 730-731, 732-733, 734- 735, 781, 783, 821-822, 857, 859, 908, 964, 1041, 1107, 1168-1170, 1247, 1282, 1284, 1335, 1337, 1339, 1396, 1399-1400, 1401, 1458, 1490, 1495, 1497, 1498, 1653-1654, 2443
PRESIDENT <i>pro Tempore</i> (Larry J. Edgell):	
appointed as	112
PREZIOSO, ROMAN W., JR., a Senator from the Thirteenth District:	
addressed the Senate	2652
appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 2014	2336
appointed to select committee on children and poverty	125
appointed to standing committees	109-111
bills introduced (by request)	97, 154, 156, 158, 214, 235, 291, 329-330, 344, 345, 347, 381, 383, 384-385, 405, 407, 431, 453, 528, 691, 721, 724, 767, 812, 815, 816, 817, 818
nominated Jeffrey V. Kessler, president of Senate	28
qualified	5-6
remarks by (ordered printed in appendix)	572, (1252)
reports by, as chair of committee on	
finance	300-301, 377-378, 397, 399-400, 424-425, 547, 549, 552, 650-654, 677, 686, 708, 710, 716-717, 757-760, 761-762, 764, 841, 842, 843, 848, 884-888, 896, 935-936, 943, 956, 959-963, 979-980, 992, 993, 1077-1079, 1082-1083, 1084, 1085-1086, 1090-1092, 1102, 1142, 1144, 1316-1317, 1325, 1326-1327, 1333, 1373, 1389-1390, 1452-1453, 1455, 1483- 1484, 1487-1488, 1489-1490, 1598-1599, 1603-1604, 1613-1614, 1643-1644, 1651-1652, 2612-2614
resolutions offered (by request)	35, 36, 41, 121, 123, 223, 292-293, 318, 352, 413, 414-415, 569, 584, 729, 734-735, 783, 908, 964, 1041, 1107, 1111- 1113, 1247, 1249, 1252, 1458, 1490, 1495, 1498, 1653-1654, 2443
RECONSIDERATION OF, As to:	
veto message; bill amended and repassed	2642-2644, 2645-2646
vote on committee amendment	2135, 2554
vote on motion	1668, 1735
vote on passage of bill	1668
vote on rejection of bill (or resolution)	2554
vote on title amendment	1457, 2478
vote on title amendment and passage	2134-2135

REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY:

appointment of	49
consideration of	1233
made special order of business	50

REPORTS:

Accountancy, Board of	163
Acupuncture, Board of	163
Children's Health Insurance Program	163
Chiropractic, Board of	163
Court of Claims	164
Dental Examiners, Board of	164
Economic Development Authority	164
Environmental Protection, Department of (Impoundment and Pit Safety Study)	542
Environmental Protection, Department of (Oil and Gas Operating Permit and Processing Fund)	164
Environmental Protection, Department of (Oil and Gas Reclamation Fund)	164-165
Environmental Protection, Department of (Office of Oil and Gas)	165
Environmental Protection, Department of (Special Reclamation Fund Advisory Council)	165
Geological and Economic Survey	2018
Health and Human Resources, Department of (Infant and Maternal Mortality Review Team)	172
Health and Human Resources, Department of (Sudden Infant Death Syndrome Prevention Project)	172
Health and Human Resources, Department of (Youth Services)	165
Higher Education Policy Commission (Veterans Initiatives)	172-173
Insurance Commissioner, Offices of the (Medical Professional Liability Insurance)	165
James "Tiger" Morton Catastrophic Illness Commission (Catastrophic Illness Fund)	166
Legislative Rule-Making Review Committee	184
Licensed Practical Nurses, State Board of Examiners for	166
Licensed Practical Nurses, State Board of Examiners for (Veteran Testing)	166
Massage Therapy Licensure Board	166
Medical Imaging and Radiation Therapy Technology Board of Examiners	167
Medicine, Board of	167
Motor Vehicles, Division of (Alcohol Test and Lock Program)	167
Motor Vehicles, Division of (Motorcycle Safety Awareness Board)	167

Natural Resources, Division of	167
Nursing Home Administrators Licensing Board	168
Occupational Pneumoconiosis Board	168
Osteopathy, Board of	168
Outdoor Heritage Conservation Fund	168
Personnel, Division of	168
Physical Therapy, Board of	169
Professional Engineers, State Board of	
Registration for	169
Professional Surveyors, Board of	169
Psychologists, Board of Examiners of	169
Public Employees Grievance Board	170
Real Estate Commission	170
Registered Professional Nurses,	
Board of Examiners for	170
Respiratory Care, Board of	170
Ron Yost Personal Assistance Services Program	170
Sanitarians, Board of	171
Secretary of State (Supreme Court of Appeals Public	
Campaign Financing Pilot Program)	173
Special Investigations, Commission on	246
Speech-Language Pathology and Audiology,	
Board of Examiners for	171
State Police (Female and Minority Groups	
Recruiting Effectiveness)	171
Tax Appeals, Office of	171
Transportation, Department of (Office of	
Administrative Hearings)	171
Treasurer, Office of the State (Debt Capacity	
Advisory Division)	172
Water Development Authority	173
SECRETARY OF STATE (Natalie E. Tennant):	
election returns submitted by	4
SENATE RULES, Suspension of:	
Rule No. 54 (privileges of floor)	28, 141, 979, 1093, 1200
SERGEANT AT ARMS (Howard L. Wellman):	
nominated, reelected and qualified as	
sergeant at arms of Senate	33
SNYDER, HERB, a Senator from the Sixteenth District:	
appointed to conference committee as to	
Eng. Com. Sub. for Senate Bill No. 435	1733
appointed to standing committees	109-111
bills introduced (by request)	77, 79, 85, 97, 129, 131, 158, 177, 187-213,
215, 248-249, 250, 252, 264, 266, 314, 329-330, 332-333, 345, 347, 365, 367,	

381, 384, 408-409, 410, 411, 431, 433, 452, 454, 467, 486, 528, 557, 582, 596, 599, 601, 660, (660), 661, 690, 691, 695, 721, 765, 768, 771-772, 816-817, 818	
main motion	1237, 1239, 1424, 1454, 1657, 1659, 1660
petitions presented by	371
qualified	5-6
removal of sponsorship	1199
reports by, as chair of committee on	
government organization	229, 231-233, 301-303, 305, 324-327, 328-329, 404, 419-420, 421-422, 425-427, 500, 505-506, 511-512, 549-552, 556, 675-676, 681, 683-684, 686-688, 706-708, 711, 713, 720-721, 899-900, 901-902, 904-905, 930, 936-938, 939, 941-942, 986-987, 989-991, 1083-1084, 1088-1089, 1236-1238, 1240, 1245, 1246, 1327, 1328-1329, 1332-1333, 1371-1372, 1375, 1377, 1378, 1422-1424, 1448-1449, 1450, 1451-1452, 1453, 1485, 1605, 1656- 1660, 2614
resolutions offered (by request)	102-103, 105, 160, 223, 276-277, 292, 318, 387, 413, 414-415, 472, 486, 564, 567, 605, 729, 734-735, 783, 1041, 1107, 1249, 1284, 1335, 1396, 1401, 1458, 1490, 1497, 1498, 2443, 2448
withdraws (committee) amendment	(1286), (1351), (1506-1507), (1526), (1698), (1773), (1798), (1989), (2064), (2113)

SPECIAL ORDER OF BUSINESS, As to:

action on bill (or resolution)	(455), (784-785), (1013)
action on House message	800
consideration of executive nominations	1233
hour set for, reached	784, 1013, 2033

STAFF OF THE SENATE:

appointment authorized (S. R. No. 5)	36-41
------------------------------------------------	-------

STOLLINGS, RON, a Senator from the Seventh District:

appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 2014	2336
appointed to select committee on children and poverty	125
appointed to standing committees	109-111
bills introduced (by request)	50-51, 54, 57-59, 60-61, 63, 65, 69, 70, 84, 86, 87, 92, 97, 117, 119, 128-129, 154, 156-157, 158, 177, 213-214, 215, 233, 235, 248, 251, 265, 291, 292, 314-316, 329-330, 331, 343, 344, 345-346, 347, 363-364, 366, 367, 381, 383, 384, 408-409, 410-411, 430-431, 432, 434, 452, 453-454, 467, 483, 485, 528, 530, 532, 557, 561, 581, 582, 596-597, 599-600, 601, 662, 690, 691, 692, 694, 695, 721, 724, 765, 766, 768, 772-773, 810, 815, 817, 818, 819
main motion	1408
nominated Joseph M. Minard, clerk of Senate	32
remarks by (ordered printed in appendix)	541
reports by, as chair of committee on	
health and human resources	247-248, 303, 307, 308, 340-342, 397-398, 400-402, 443, 445-447, 497-498, 503-504, 516-517, 574-577, 895, 907-908, 988, 995-996, 1001-1002, 1374, 1376-1377, 1402-1408

resolutions offered (by request) 104, 105, 121, 123, 159, 160, 179, 180,
 218, 219, 223, 238, 239, 241, 243, 268, 271, 273, 275, 276-277, 292-293, 318,
 349, 352, 370, 411-412, 413, 414-415, 435, 436, 468, 470, 472, 486, 488, 491,
 533, 535, 537, 565, 567, 569, 584, 601, 603, 605, 663, 665, 725, 729, 730-731,
 732-733, 734-735, 775, 778, 779, 783, 821-822, 855, 856, 857, 859, 908, 964,
 1041, 1103-1105, 1106, 1107, 1110, 1111-1113, 1166-1167, 1168-1170, 1247,
 1249, 1252, 1282, 1284, 1335, 1337, 1339, 1395, 1396, 1399-1400, 1401, 1458,
 1490, 1492, 1495, 1497, 1498, 1652, 1653-1654, 2443
 withdraws (committee) amendment (1820), (1922), (2073), (2088)

SYPOLT, DAVE, a Senator from the Fourteenth District:

appointed to conference committee as to
 Eng. Senate Bill No. 108 1712
 appointed to conference committee as to
 Eng. Com. Sub. for House Bill No. 2014 2336
 appointed to select committee to notify Governor
 Legislature has assembled and organized (S. R. No. 3) 35
 appointed to standing committees 109-111
 bills introduced (by request) 51, 54, 61, 62, 65, 67, 71, 72-74, 75,
 77, 80, 97, 119, 132, 157, 217, 249, 314-315, 318, 329-330, 344, 346, 363, 381,
 408, 431, 432, 468, 483, 484, 581, 583, 596, 598, 599, 600, 768, 772, 819
 petitions presented by 967
 point of order raised by 226
 remarks by (ordered printed in appendix) 125, 162
 resolutions offered (by request) 105, 123, 159, 182, 486, 605, 783,
 1103-1106, 1107, 1111-1113, 1167-1168, 1247, 1395, 1458, 1490, 2443

TUCKER, GREGORY, a Senator from the Eleventh District:

appointed to conference committee as to
 Eng. Com. Sub. for House Bill No. 2585 1477
 appointed to standing committees 109-111
 bills introduced (by request) 70, 71-72, 73, 79, 86, 119, 132, 154, 156,
 158, 214, 215, 234, 235, 237, 248, 251, 252, 314, 329-330, 332, 345, 347, 364,
 380-381, 384, 407, 431, 433, 434, 452, 454, 483, 527, 531, 532, 561-562, 581,
 582, 596, 601, 691, 694, 695, 722-723, 724, 767, 768, 772, 813, 816
 main motion 845, 1342
 reports by, as chair of committee on
 banking and insurance 281-282, 285-286, 646-647, 655-656,
 659-660, 844, 850-852, 853-854, 1320-1321, 1330-1331, 1341-1342
 resolutions offered (by request) 253, 349, 387, 435, 665, 1039-1040,
 1103-1106, 1107, 1111-1113, 1396, 1458, 1490, 1495, 1497, 1498, 1666, 2443,
 2445

UNGER, JOHN R., II, a Senator from the Sixteenth District:

addressed the Senate 2050
 appointed majority leader 112
 appointed to conference committee as to
 Eng. Com. Sub. for House Bill No. 2014 2336

appointed to select committee on children and poverty	125
appointed to select committee to escort Governor to joint assembly (H. C. R. No. 3)	108
appointed to select committee to escort President-elect to chair	29
appointed to standing committees	109-111
bills introduced (by request) 77, 79, 81, 88, 97-98, 99, 101, 115, 117, 121, 128-129, 176, 214, 215-216, 233, 235, 248, 249, 250-251, 252, 263, 265, 266, 287, 291-292, 313, 314, 315-316, 317, 329-330, 345, 347, 382, 384, 408, 409- 410, 411, 431, 432, 433, 434, 452, 453, 454, 485, 529, 564, 582, 583, 584, 596, 600, 662, 690, 691, 722, 764, 765, 772, 809, 810, 813, 817, 819	
main motion	800, 919, 972, 978, 1071, 1194, 1348, 1667, 1668, 1710, 1734, 1735, 2050, 2133, 2134, 2135, 2477, 2478, 2634, 2637, 2638, 2643, 2645, 2648, 2682
pledge of allegiance led by	443
remarks by (ordered printed in appendix)	(572), (587), (743), (1024)
reports by, as chair of select committee on children and poverty	945-946, 1346-1348
resolutions offered (by request)	6, 33-34, 36, 41, 103, 104, 121, 159, 160, 180, 182, 223, 238, 239, 241, 243, 253, 267, 268, 271, 273, 275, 276-277, 292-293, 318, 336, 387, 411-412, 413, 414-415, 435, 436, 470, 472, 474, 486, 488, 491, 533, 535, 537, 564, 565, 567, 569, 584, 601, 603, 605, 663, 665, 696, 729, 730-731, 732-733, 734-735, 783, 821-822, 855, 857, 859, 908, 1041, 1107, 1166-1167, 1168-1170, 1247, 1249, 1252, 1282, 1284, 1335, 1337, 1339, 1396, 1399-1400, 1401, 1458, 1490, 1492, 1495, 1497, 1498, 1653-1654, 2443, 2446- 2447, 2652, 2653
withdraws motions	1668, 1735
yeas and nays demanded by	2634, 2637, 2638

WALTERS, CHRIS, a Senator from the Eighth District:

appointed to select committee to notify Governor Legislature is ready to adjourn <i>sine die</i> (S. R. No. 71)	2653
appointed to standing committees	109-111
bills introduced (by request) 66, 73, 81, 96, 102, 132, 265, 314, 329-330, 345, 360, 363, 381, 384, 408, 431, 432, 454, 483, 561, 562, 563, 581, 584, 599, 600, 661, 690, 691, 695, 766, 767, 772, 813, 816, 819	
qualified	5-6
remarks by (ordered printed in appendix)	673
resolutions offered (by request) 179, 486, 601, 665, 778, 1039-1040, 1107, 1166-1168, 1458, 1490, 2443, 2445	

WELLS, ERIK P., a Senator from the Eighth District:

appointed to standing committees	109-111
bills introduced (by request) 119, 129, 131, 132, 158, 214, 233, 248, 250, 262, 314, 329-330, 347, 367, 382, 408, 409-410, 431, 452, 467, 485, 486, 528- 529, 566, 562, 563, 596, 600, 662, 690, 691, 695, 766, 767, 768, 772, 814, 815, 818	
objection to unanimous consent	2124

remarks by (ordered printed in appendix)	673, 1032, (2586)
reports by, as chair of committee on	
military	403-404, 515, 689, 883-884, 898-899, 1323-1324
resolutions offered (by request)	159, 160, 179, 352, 387, 470, 474, 486, 567, 601, 605, 663, 665, 725, 727, 729, 734-735, 774, 778, 783, 964, 1041, 1107, 1110, 1247, 1249, 1252, 1284, 1337, 1339, 1396, 1399-1400, 1401, 1458, 1490, 1495, 1497, 1498, 1653-1654, 2443, 2445
withdraws (committee) amendment	(2059)

WILLIAMS, BOB, a Senator from the Fourteenth District:

appointed to conference committee as to	
Eng. Com. Sub. for Senate Bill No. 580	1734
appointed to standing committees	109-111
bills introduced (by request)	51, 56, 61, 62, 65, 66, 67, 73, 74, 75, 77, 79, 80, 83, 84, 86, 87, 94, 97, 98-99, 131, 132, 157, 176, 178, 215, 216, 217, 234, 235, 237, 248-249, 252, 262, 287, 291, 313, 314-315, 317, 318, 329-330, 343, 346, 367, 385, 408, 410, 430, 431, 432, 433, 452, 453, 468, 485, 529, 532, 557, 561, 581, 583, 596, 599, 600, 662, 691, 694, 722-723, 765, 772, 809, 813, 816, 817, 819
main motion	1235, 1503
petitions presented by	1340
qualified	5-6
reports by, as chair of committee on	
economic development	322-323, 546, 547-548, 710, 717-719, 933-934, 945, 1233-1235, 1450, 1499-1503
resolutions offered (by request)	105, 123, 159, 160, 179, 180, 223, 253, 276-277, 318, 334, 336, 349, 352, 387, 413, 414-415, 470, 472, 474, 533, 535, 537, 567, 569, 584, 605, 729, 730, 732-733, 734-735, 783, 820, 821-822, 857, 859, 1103-1106, 1107, 1111-1113, 1168-1170, 1247, 1249, 1252, 1282, 1284, 1335, 1337, 1339, 1458, 1490, 1495, 1497, 1498, 1653-1654, 2443, 2445, 2446- 2447, 2448

WITHDRAWAL OF:

committee amendment	1286, 1351, 1457, 1506-1507, 1526, 1687, 1698, 1738, 1773, 1798, 1820, 1918, 1922, 1989, 1990, 1999, 2051, 2053, 2059, 2060, 2064, 2073, 2084, 2088, 2100, 2111, 2113, 2114, 2120, 2135, 2478, 2554
motion	1668, 1735

YOST, JACK, a Senator from the First District:

appointed to standing committees	109-111
bills introduced (by request)	59, 77, 81, 97, 99-101, 116-117, 118, 121, 127, 129-130, 131, 132, 154, 155, 156, 158, 214, 217-218, 248, 250, 262, 314, 329-330, 345, 367, 381, 382, 406, 408, 409-410, 431, 467, 485, 528-529, 530, 581-582, 596, 599, 662, 690, 691, 722, 765, 766, 768, 772, 813, 818
petitions presented by	1340, 1655
prayer by	2638
qualified	5-6

reports by, as chair of committee on

labor 327-328, 679-681, 902, 1260-1261
 resolutions offered (by request) 121, 123, 221, 238, 239, 241, 243, 253,
 292-293, 336, 387, 413, 414-415, 468, 470, 474, 486, 488, 491, 567, 665, 725,
 729, 734-735, 783, 908, 964, 1041, 1107, 1168-1170, 1247, 1249, 1252, 1458,
 1490, 1495, 2443, 2445

ADDENDUM

WORDING OF MISCELLANEOUS ACTION:

bill introduced by request 291, 660
 bill (or resolution) introduced from floor (1041), (1042), (1458), (1666), (2443)
 bill on calendar recommitted to 919, 972, 978, 1071, 1135, 1194, 1254,
 2050
 bill on calendar referred to committee 789, 875
 clerk's note 1637, 2650
 (committee report) coming out on
 second reading 552, 986, 989, 1077, 1084-1085, 1102,
 1142, 1599, 1609, 1651-1652
 (committee report) coming out on
 second reading with amendments pending 1086, 1143, 1144, 1484-1485
 (committee report) double committee reference;
 coming out on second reading with amendments
 from both committees pending 1451, 1485, 1602, 1606-1607, 1611
 (committee report) double committee reference;
 coming out on second reading with
 amendments from first committee pending 1605, 1613-1614, 1643-1644
 (committee report) double committee reference;
 committee substitute reported from
 first committee; read first time;
 referred to second committee 506-511, 898-899, 931-934, 936-938,
 939-940, 956-959, 963-964, 982-983, 994-995, 1001-1002, 1003-1004
 (committee report) double committee reference;
 committee substitute reported from
 first committee; referred to second committee 186-187, 229-230, 247-
 248, 281-282, 283-284, 359-360, 379, 402-403, 419-421, 423, 443-444, 445-447,
 448-452, 464-467, 497-498, 499, 514, 545-546, 548, 549-550, 552-556, 575,
 576-578, 646-647, 655-656, 658-659, 679-680, 684-685, 686-687, 688-689, 706-
 707, 711-713, 717-719, 748-749, 751-752, 763-764, 805, 806-807, 846-847, 848-
 849, 851-852, 882-883, 894-895, 897-898, 987-988
 (committee report) double committee reference;
 committee substitute reported from
 first committee; second committee reference
 dispensed with 516-517, 749-750, 852-853, 900,
 989-990
 (committee report) double committee reference;
 reported from first committee;
 read first time; referred to second committee . . 884, 895, 899-900, 901, 935,
 942-943, 988, 995, 1333, 1370-1371, 1392-1393, 1450-1451

- (committee report) double committee reference;
 reported from first committee;
 read first time; referred to second committee
 with amendments pending 883, 1323-1324, 1328-1329, 1369-1370
 1374-1375, 1379-1380, 1394-1395, 1449, 1482-1483
- (committee report) double committee reference;
 reported from first committee;
 referred to additional committee
 prior to second reference 307
- (committee report) double committee reference;
 reported from first committee;
 referred to second committee 173-174, 231-232, 233, 246-247, 248,
 256-257, 284-285, 300, 301-304, 305-307, 323-324, 325-326, 327-328, 340-341,
 358-359, 378, 380, 397-400, 403-404, 421-423, 424-425, 447-448, 463, 498-499,
 505, 511-512, 513, 515-516, 517, 545, 546-547, 575-576, 578-579, 650, 656-
 657, 659-660, 676, 678, 689, 710, 719-720, 804, 806, 850-851, 854, 888, 902-
 904, 907-908, 995-996, 1240, 1242, 1244-1245, 1246-1247, 1260-1261, 1317,
 1320-1321, 1325-1326, 1334-1335, 1369, 1377, 1393-1394
- (committee report) double committee reference;
 reported from first committee; second committee reference
 dispensed with 901-902, 1245-1246, 1320-1321,
 1371-1372, 1392
- (committee report) double committee reference;
 reported from first committee
 with amendments pending;
 referred to second committee 257-258, 305, 307-308, 323, 326-327,
 341-342, 401-402, 425-426, 427, 500-501, 502-503, 512-513, 515, 551, 657-658,
 678-679, 680-681, 713, 803, 904, 1241, 1323-1324, 1334, 1376-1377, 1390,
 1455-1456
- (committee report) double committee reference;
 reported from first committee with amendments
 pending; second committee
 reference dispensed with 1327-1328, 1330-1331, 1368-1369
- (committee report) double committee reference;
 reported from second committee
 with amendments from both
 committees pending 1259, 1329-1330, 1483, 1600-1601,
 1602-1603, 1604, 1606, 1612
- (committee report) double committee reference;
 reported from second committee
 with amendments from first
 committee pending 842, 843, 896, 938, 1079, 1598-1599, 1600
- (committee report) originating bill (or resolution);
 referred to second committee 854-855, 860-863, (1233-1239),
 (1341-1346), (1403-1424), (1499-1503), (1656-1664)
- (committee report) single reference bill;
 committee substitute reported;
 referred to second committee 844-845

(committee report) single reference bill; read first time; referred to second committee with amendments pending	1453-1454
(committee report) single reference bill; referred to second committee	843, 1331-1332
(committee report) triple committee reference; reported from first committee; referred to second committee	285, 286-287, 308-309, 326
(committee report) triple committee reference; reported from first committee with amendments pending; referred to second committee	285-286, 377, 400, 503-504
(committee report) triple committee reference; reported from second committee; referred to third committee	426, 501-502
(committee report) triple committee reference; reported from second committee with amendments pending; referred to third committee	377-378, 502, 504-505, 549
constitutional rule suspension; prevailed	438, 440, 792, 905, 2045
deferral of legislation from position on calendar	588, 610, 1020, 1194, 1425, 2093
deferred position of legislation reached	592, 614, 1024, 1197, 1447, 2123, 2125
division of vote requested	1443
effective date of House bill changed by Senate	1711
effective date of Senate bill changed by House	1629
errata	2683
extended session	2633
House accedes to return of House bill	2554
midnight hour	2629
night session	113, 2450
ordered extended in Journal, remarks	31
ordered printed in appendix, remarks	228, 396, 572, 587, 702, 743, 838, 978, 1024, 1039, 1109, 1122, 1252, 2116, 2586, 2589, 2629
points of inquiry	2553
points of order	226
quorum roll call	5
referred to additional committee	343
rejection of House bill by Senate	2060
rejection of motion	2124
removal of sponsorship	183-184, 876, 1199
Senate accedes to House of Delegates request and recedes from amendments	1474, 2588
Senate requests return of House bill from House	1456, 1710, 2133, 2134, 2477, 2551
Senate requests return of Senate bill from House	1667-1668, 1734-1735
student legislative internship programs	997, 2553-2554
veto reconsidered; bill amended and repassed	2642-2644, 2645-2646

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
1-	By Senators Plymale, Jenkins, Stollings and McCabe: Relating to comprehensive agreements for public-private transportation facilities.	50					51
2-	By Senators Sypolt, Barnes, Blair, Stollings, D. Hall, McCabe, Williams, Cole and Carmichael: Limiting landowner's civil liability for hunting injuries.	51					51
3-	By Senator Jenkins: Relating to WV Rt. 2 and I-68 Authority.	51					51
4-	By Senators Jenkins, Barnes, D. Hall and Green: Requiring certain defendants pay cost of incarceration.	51					52
5-	By Senators Jenkins and Plymale: Relating to temporary detention of criminal suspects.	52					52
6-	By Senators Jenkins, Plymale, McCabe and Green: Extending civil liability immunity to parks and recreation district operators.	52					52
7-	By Senators Jenkins, Barnes, McCabe, Cole and Carmichael: Providing for nonpartisan election of Supreme Court Justices.	52					53
8-	By Senators Jenkins and Fitzsimmons: Requiring additional confinement when minor is utilized in commission of a crime.	53					53
9-	By Senators Jenkins and McCabe: Permitting nonrenewal of auto liability insurance policies for failure of consideration.	53					53
10-	By Senators Jenkins and Plymale: Permitting independent initiation of disciplinary proceedings by certain licensing boards.	53	676, 748	872-873, 911	911		53, 676, 836, 872-873, 910-912

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
**11-	By Senators Stollings, Jenkins and Beach: Relating to schedules of controlled substances.	54	497, 676		824		54, 498, 742, 788, 824
12-	By Senators M. Hall, Barnes and McCabe: Relating to employer and third-party liability under workers' compensation deliberate intention exception.	54					54
13-	By Senators M. Hall, Blair, Sypolt and Carmichael: Requiring voter ID.	54					54
14-	By Senator Nohe: Granting counties and municipalities limited exemption from litter laws.	54					55
15-	By Senator Green: Relating to limitation on post-retirement earnings by PERS retirees.	55					55
16-	By Senators Green and Miller: Creating Grieving Parents Act.	55					55
17-	By Senators Williams and Beach: Imposing consumers sales tax on utility terrain vehicle sales.	56					56
*18-	By Senators Jenkins and McCabe: Relating to appraisal method for certain multifamily rental property for ad valorem property tax.	56	748-749				56, 749
19-	By Senators Jenkins and Plymale: Providing personal income tax credit for recycling service fees.	56					56
20-	By Senator Jenkins: Exempting certain taxicab companies from Workers' Compensation Fund subscription.	56					57
*21-	By Senators Stollings, Jenkins and Kessler (Mr. President): Creating Health Care Provider Transparency Act.	57	443, 930	2336-2339	1045, 2340	2336	57, 444, 974, 1025, 1044-1045, 2336-2340, 2663, 2677-2678

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*22-	By Senators Stollings, Jenkins, Kessler (Mr. President), Miller and Beach: Requiring maternity services coverage for all health insurance plan dependents in certain circumstances.	57	646-647, 979	2340-2351	1115, 2352	2340	58, 647, 1030, 1069, 1114-1115, 2340-2352, 2668, 2676
23-	By Senators Stollings, Jenkins, Laird, Kessler (Mr. President), Miller and Beach: Relating to use of epinephrine in emergency situations.	58					58
24-	By Senators Stollings, Jenkins, Barnes, Cole and Carmichael: Subjecting actions brought against nursing homes to Medical Professional Liability Act.	58					58
25-	By Senators Stollings and Jenkins: Relating to modified mental hygiene procedures.	58					59
*26-	By Senators Stollings and Yost: Requiring health insurance coverage for hearing aids under certain circumstances.	59	281				59, 282
*27-	By Senators Stollings, Jenkins, Laird and Kessler (Mr. President): Relating to administration of opioid antidote in emergency situations.	59	498, 574		699		60, 499, 613, 673, 698-699
*28-	By Senator Green: Relating to minors obtaining tattoos.	60	575				60, 575
29-	By Senators Stollings, Jenkins, Laird, Plymale and Miller: Providing tax incentive to dental practitioners servicing indigent patients.	60					60
30-	By Senators Stollings, Jenkins, Laird and Miller: Requiring DHHR and Medicaid to provide dental coverage to certain mothers of newborns.	60	575-576				61, 576
31-	By Senators Stollings, Laird, Miller and Carmichael: Creating Dentist and Hygienist Education Student Loan Fund.	61					61

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
32-	By Senator Stollings: Relating to evidentiary provisions of Wiretapping and Electronic Surveillance Act.	61					61
33-	By Senators Jenkins, Fitzsimmons, Sypolt and Williams: Exempting all military retirement income from state income tax.	61					61
34-	By Senators Jenkins and McCabe: Relating to motor vehicle glass replacement and repair referrals.	62					62
35-	By Senators Williams and Sypolt: Requiring filing fee for write-in candidates for public office.	62					62
36-	By Senators Plymale and McCabe: Relating to adoption of English and math college- and career-readiness standards.	62					63
37-	By Senators Plymale, Jenkins and Stollings: Relating to high-quality digital learning program and Global 21 Middle School initiative.	63					64
38-	By Senator Jenkins: Creating Higher Education Community School Law.	64					64
39-	By Senators Jenkins, Stollings, Kessler (Mr. President), Sypolt, McCabe, Williams, Cole and Carmichael: Creating Jobs Impact Statement Act.	65					65
40-	By Senators Stollings, Jenkins and Miller: Permitting expedited partner therapy.	65					65
41-	By Senator Barnes: Creating Support our Law Enforcement and Safe Neighborhoods Act.	66					66
42-	By Senators Barnes and Williams: Providing state income tax credit for certain firefighters.	66					66

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
43-	By Senators Barnes, Blair and Walters: Prohibiting abortion motivated by gender of fetus.	66					67
44-	By Senator Barnes: Requiring assistant principals in schools of certain enrollment.	67					67
45-	By Senator Barnes: Relating to biometric and social security number religious exemption on driver's license.	67					67
46-	By Senator Barnes: Decreasing number of jurors on municipal jury.	67					67
*47-	By Senators Williams, Miller, Sypolt and Beach: Creating General Livestock Trespass Law.	67	173, 322		391		68, 174, 355, 373-374, 390-391
48-	By Senator Barnes: Requiring all available medical care of fetus following abortion.	68					68
49-	By Senators Barnes and Blair: Exempting certain motor vehicles from personal property tax and requiring antique licenses.	68					68
50-	By Senators Plymale, Jenkins, Stollings and McCabe: Creating WV Land Stewardship Corporation Act.	69					69
51-	By Senators Jenkins and Barnes: Providing personal income tax credit for nursing faculty.	69					69
52-	By Senators Plymale, Jenkins and Stollings: Relating to Rural Health Initiative Act.	70	246, 841		1014		70, 247, 929, 971, 1014
53-	By Senator Tucker: Clarifying appointment of attorney from public defender office as counsel for eligible clients.	70					70

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
54-	By Senator Jenkins: Relating to qualifications of magistrates.	70					70
*55-	By Senators Sypolt, McCabe and Carmichael: Exempting homeowners' association dues, fees and assessments from consumers sales and service tax.	71	229				71, 230
56 -	By Senators Sypolt, Blair, Cole and Carmichael: Creating Intrastate Coal and Use Act.	71					71
57-	By Senator Tucker: Providing resident tuition rates to nonresident children of WV higher education institution graduates.	71					72
58-	By Senator Tucker: Providing for construction of Lou Tabit Freeway.	72					72
59-	By Senators Tucker and Beach: Creating crossbow hunting license.	72					72
*60-	By Senators Tucker and Fitzsimmons: Relating to name-change notice publication requirements.	72	230	1464-1466	295, 1466	1463	72, 254-255, 279, 295, 1463-1466, 2635, 2673
61-	By Senator Sypolt: Exempting sales of medication prescribed by veterinarians from consumers sales and service tax.	72					72
62-	By Senators Sypolt, Barnes and Walters: Increasing low-income qualifier rate for homestead tax credit.	73					73
63-	By Senators Sypolt and Miller: Requiring equal number of county planning commission members from each magisterial district.	73					73
64-	By Senators Sypolt and Blair: Prohibiting abortions at state college or university medical facilities; exception.	73					73

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
65-	By Senators Tucker, Miller, Sypolt and Williams: Exempting PERS retirement income of DNR police officers from state income tax.	73	358, 956		1115	2035	74, 358, 1030, 1069, 1115-1116, 2657, 2678-2679
66-	By Senator Sypolt: Eliminating requirement that schools input data into WVEIS.	74					74
67-	By Senator Sypolt: Reinstating former paid fire department chiefs under certain circumstances.	74					74
68-	By Senators Sypolt, D. Hall and Williams: Creating WV Firearms Freedom Act.	74					74
69-	By Senators Edgell and Jenkins: Providing faculty and staff at state institutions of higher education eligible for Legislature.	75					75
70-	By Senator Miller: Authorizing Secretary of State dissolve corporate entities or revoke certificates of authority under certain circumstances.	75					75
*71-	By Senators Sypolt, McCabe and Williams: Requiring descriptions of easements and rights-of-way include width in addition to centerline; exception.	75	185	296, 297, 1467	297, 1467	1466	75, 245, 254, 278, 295-297, 1466-1467, 2635, 2673
72-	By Senator Miller: Creating WV Criminal and Civil Forfeiture Act.	75					76
73-	By Senators Edgell, Jenkins, Yost, Fitzsimmons and Beach: Establishing criminal penalties for custodian's failure to report missing child.	77					77
*74-	By Senator Sypolt: Relating to jury service qualification.	77	126	225-226	226	2352	77, 162, 183, 225-227, 2663, 2674

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
75-	By Senators Facemire, Jenkins, Barnes, Kessler (Mr. President), Unger, Snyder, Miller, Sypolt, Williams, Green and Plymale: Increasing salaries of State Police civilian and forensic lab employees.	77	231				77, 232
*76-	By Senator Facemire: Permitting certain voters who have moved to vote for President and Vice President.	77	230-231		298		77, 255, 279, 297-298
77-	By Senator Facemire: Relating to wills and descent and distribution upon legal separation.	78					78
78-	By Senator Facemire: Excepting income or earnings from equitable distribution asset in determining spousal support.	78					78
79-	By Senator Edgell: Prohibiting fractional pricing in retail gasoline sales.	78					78
*80-	By Senator Edgell: Including substitute teaching in job duties of certain professional educators employed by county boards.	78	749		912	1380	79, 750, 836, 873, 912-913, 2636, 2673
81-	By Senators Beach, Kessler (Mr. President), Plymale, McCabe and Williams: Permitting Monongalia County Commission levy special district excise tax for University Towne Center.	79					79
82-	By Senators Snyder, Blair and Unger: Relating to public service district board membership.	79	232	2138-2146	298, 2147	2138	79, 255, 280, 298-299, 2138-2147, 2669, 2677
83-	By Senator Beach: Relating to residency requirements for campus police officers.	79					79
84-	By Senator Tucker: Providing lender with security interest to advance sums preventing collateral protection insurance lapse.	79					80
85-	By Senators Sypolt and Barnes: Permitting filing of bond in escrow to cover mechanic's lien.	80	233				80, 233

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
86-	By Senator Sypolt: Designating English official state language.	80					80
87-	By Senators Sypolt and Williams: Relating to number of juror strikes in felony cases.	80					80
*88-	By Senators Green, Miller, Sypolt and McCabe: Prohibiting certain campaign contributions by lobbyists during regular session.	80	931-933				80, 933
89-	By Senators Walters and Blair: Requiring replacement of public rest area, institution and school urinals be water free.	81					81
**90-	By Senators Miller, Jenkins, Yost, Unger, Fitzsimmons and Beach: Creating felony offense of DUI causing death or serious bodily injury.	81	956, 1074-1075		1171		81, 957, 1075, 1135, 1171
91-	By Senator Walters: Creating pilot program incorporating Khan method of teaching math.	81					81
92-	By Senator Cann: Including Salem International University as eligible PROMISE scholarship institution.	81					82
93-	By Senators Cann and Beach: Relating to parental notification of abortion on minor.	82					82
94-	By Senator Cann: Providing salary increase for certain teachers.	83					83
95-	By Senators Cann, Plymale and Williams: Creating business and occupation tax credit to electric power generator using certain WV mined coal.	83					83
96-	By Senators Cann and Williams: Expanding PERS military service credit to certain veterans.	83					83

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
97-	By Senator Cann: Providing personal income tax credit for qualified college student loans.	83					84
*98-	By Senators Cann, Stollings, McCabe, Williams and Green: Creating Shale Research, Education, Policy and Economic Development Center at WVU.	84	882, 979		1116		84, 883, 1030, 1069, 1116
99-	By Senator Cann: Prohibiting increases in assessed value of real property under certain circumstances	84					84
*100-	By Senators Laird, Miller and Williams: Requiring mandatory use of armored vests by law enforcement.	84	499				85, 499
**101-	By Senators McCabe, Cann, Miller, Jenkins and Barnes: Clarifying Medical Professional Liability Act applies to nursing homes and their health care providers.	85	247, 340	2352-2353	417, 2353	2352	85, 248, 374, 396, 416-417, 2352-2354, 2659, 2675
*102-	By Senators Snyder and Plymale: Authorizing PSC promulgate rules establishing capacity improvement fee requirements.	85	419				85, 420
*103-	By Senators Snyder, Miller and Beach: Creating WV Commuter Rail Access Act.	85	421, 980	1069, 2354-2364	1117, 2364	2354	86, 371, 421, 1031, 1069, 1116-1117, 2354-2364, 2669, 2676
104-	By Senators Laird, Stollings, Kessler (Mr. President), Miller and Fitzsimmons: Providing personal income tax deduction for spaying or neutering.	86					86
105-	By Senators Tucker, Fitzsimmons, Williams and Beach: Waiving adoption filing fees in certain cases.	86					86
*106-	By Senators McCabe, Miller, Cann, Jenkins, Laird, Stollings and Beach: Relating to Bureau of Senior Services in-home care worker registry.	86	419-420				86, 420

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
107-	By Senators Laird and Miller: Relating to selection of state agency administrative hearing examiners.	87	421-422				87, 422
108-	By Senators Laird, Stollings, Jenkins, Plymale and Miller: Creating Fatality and Mortality Review Team.	87	248, 500	608, 1468-1472, 1668, 2543-2550	608, 2473, 2551	1467-1468, 2615	87, 248, 572, 591, 608-609, 1468-1473, 1667-1668, 1711-1712, 2035, 2543-2551, 2669, 2677
109-	By Senators Beach and Williams: Increasing number of magistrates.	87					88
*110-	By Senators Palumbo, Jenkins and McCabe: Requiring certain property reassessments be phased in.	88	957-959				88, 959
111-	By Senators Unger, Jenkins, Laird and McCabe: Creating Dyslexia Screening and Intervention Pilot Project.	88					88
112-	By Senators Laird, Miller and Beach: Relating generally to suspension or revocation of driver's license.	88					89
113-	By Senators M. Hall, Jenkins, Barnes, Blair and Carmichael: Creating Civil Justice Reform Act of 2013.	89-91					91
114-	By Senator Miller: Relating to public school nurses.	91					92
115-	By Senator Stollings: Relating generally to horse and dog racing.	92-94					94
*116-	By Senators Jenkins and McCabe: Relating to crimes against property involving graffiti.	94	126		227		94, 162, 183, 227
*117-	By Senator Jenkins: Creating criminal offense of possession of burglar's tools.	94	1000		1172		94, 1074, 1135, 1171-1172
118-	By Senators Jenkins, Fitzsimmons, McCabe and Williams: Creating I Support Veterans license plate and license plate for fallen law-enforcement officers next-of-kin.	94	545, 959	1172-1173, 1174	1174		95, 545, 1031, 1069-1070, 1117, 1172-1174

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
119-	By Senator Miller: Relating to surface owner's right to purchase mineral estate.	95					95
120-	By Senators Miller and Laird: Relating to issuance of barrister's teaching certificate.	95					95
121-	By Senator Miller: Creating Fund for Civil Legal Services for Low-Income Persons.	95					95
122-	By Senators Miller and McCabe: Creating Creative Communities Development Act.	95	323				96, 323
123-	By Senators Miller and Beach: Authorizing operation of low-speed vehicles in municipalities.	96	300				96, 300
124-	By Senators Miller, Laird, Fitzsimmons and Walters: Increasing compensation of attorneys appointed in child abuse and neglect proceedings.	96					97
125-	By Senators Beach, Prezioso, Kessler (Mr. President), Unger, Sypolt, Snyder, Yost, Stollings, Williams, Edgell, Miller, Kirkendoll, Plymale and McCabe: Permitting Monongalia County Commission to levy special district excise tax.	97	231-232, 397		476		97, 232, 442, 456, 475-476
126-	By Senators Unger, Kessler (Mr. President), Miller, Williams, Boley and Beach: Increasing number of state troopers and beginning pay.	97					97
127-	By Senators Unger, Williams and Beach: Requiring PSC annually report on broadband markets.	97	422				97, 423
128-	By Senators Unger and Beach: Adding additional circuit court judge.	98					98
*129-	By Senators Palumbo, McCabe, Beach and Green: Making failure to wear safety belts primary offense.	98	186				98, 187

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
130-	By Senators Unger and Fitzsimmons: Extending voter registration period prior to election.	98					98
131-	By Senators Unger and Williams: Allowing National Guard firefighters continue as civilian Air National Guard firefighters.	98					99
*132-	By Senators Unger, Barnes, Kessler (Mr. President) and Williams: Compensating State Police for call-back time.	99	706				99, 707
133-	By Senators Yost, Unger and Fitzsimmons: Exempting military, National Guard and reserve income from state income tax.	99					99
134-	By Senators Yost, Unger, Fitzsimmons and Miller: Providing campground fee discount to National Guard members.	99					99
135-	By Senator Yost: Creating Equal Pay Coordinator within Division of Personnel.	100					100
136-	By Senator Yost: Removing statutory reference to salary of Women's Commission Executive Director.	100					100
137-	By Senators Yost and Fitzsimmons: Requiring state-purchased uniforms be manufactured in United States.	100					101
138-	By Senator Yost: Transferring sole ownership of real property to co-owner paying taxes.	101					101
*139-	By Senator Yost: Regulating certain purchases of precious metals and gems.	101	376		439		101, 417, 438-439
140-	By Senators Yost and Fitzsimmons: Allowing National Guard members obtain free hunting and fishing license.	101					101

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
141-	By Senators Unger and Kessler (Mr. President): Dedicating proceeds from county excise tax on transfer of real property to regional jails and substance abuse programs.	101					102
142-	By Senators Walters, Blair and Carmichael: Relating to road and highway improvements by private investors.	102					102
*143-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Budget Bill.	114	1389-1390				114, 1594, 1736, 2050
144-	By Senators Nohe and Jenkins: Creating Haas' Law to honor fallen law-enforcement canines.	115					115
*145-	By Senator Unger: Amending election complaint procedures.	115	185	1309	279, 1310	1309	115, 245, 254, 279, 1309-1310, 2636, 2674
*146-	By Senators Unger and Beach: Collecting unpaid magistrate court charges through income tax refund withholding.	115	423, 841	2365-2368	1015, 2369	2364-2365	116, 423, 929, 971, 1014-1015, 2364-2369, 2663, 2676
147-	By Senators Yost and Fitzsimmons: Exempting certain military members' motor vehicles from personal property taxation.	116					116
148-	By Senator Yost: Creating Medication Therapy Management Act.	116					116
149-	By Senator Yost and Fitzsimmons: Relating to temporary reassignment of injured or ill school service personnel.	116					117
150-	By Senator Yost: Relating to residential construction projects.	117					117
151-	By Senators Kessler (Mr. President), Cookman, Miller, Fitzsimmons, Yost and Beach: Requiring corporations disclose expenditures for political activities.	117					117

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
152-	By Senators Unger, Laird and Stollings: Requiring alcohol awareness education courses for certain employees of retailers and licensed private clubs.	117					118
153	By Senators Yost and Fitzsimmons: Relating to compilation and availability of birth parents' social and medical histories prior to adoption.	118					118
154-	By Senator Yost: Relating to charitable organizations' audit requirements.	118					118
155-	By Senator Barnes: Requiring State Board of Education fund special education programs for exceptional children.	118					118
156-	By Senator Barnes: Prohibiting hitch tongues on certain vehicles.	119					119
157-	By Senator Beach: Exempting certain nonresidents from Class D license requirement.	119	424, 842		1015		119, 424, 929, 971, 1015
**158-	By Senators Beach and Stollings: Creating Complete Streets Act.	119	545, 707		864	1473	119, 546, 790, 834-835, 863-864, 2636, 2674
*159-	By Senators Tucker, Chafin, Nohe, Palumbo, Sypolt and Wells: Creating Uniform Real Property Transfer on Death Act.	119	481		588		120, 541, 571, 587-588
160-	By Senator Barnes: Creating Conditional Early Release Bond Act.	120					120
161-	By Senators Yost, Fitzsimmons and Jenkins: Issuing certain hunting and fishing licenses to National Guard and Reserve members and veterans.	121					121
162-	By Senator Carmichael: Reclassifying hydrocodone as Schedule II controlled substance.	121					121

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
163-	By Senators Carmichael and Unger: Relating to Municipal Home Rule Pilot Program.	121					121
164-	By Senator Yost: Creating State Labor Relations Act.	127					128
165-	By Senators Kessler (Mr. President) and Unger: Requiring presentence reports consider financial costs.	128					128
166-	By Senators Kessler (Mr. President), Unger, Stollings, Jenkins, Miller and Laird: Establishing tax credit for certain physicians providing services in free health clinics.	128					129
*167-	By Senators Kessler (Mr. President), Unger, Snyder, Stollings, Fitzsimmons, Miller, Laird, McCabe, Wells and D. Hall: Creating West Virginia Future Fund.	129	933-934				129, 934
168-	By Senators Kessler (Mr. President) and Fitzsimmons: Providing workers' compensation benefits for mental illness under certain circumstances.	129					129
169-	By Senators Kessler (Mr. President) and Jenkins: Preventing disability pension reduction for certain PERS members.	129					129
170-	By Senators Yost and Fitzsimmons: Creating Keep Jobs in West Virginia Act.	129					130
171-	By Senators Yost, Fitzsimmons and D. Hall: Increasing compensation of county board of education members for certain meeting attendance.	130					130
*172-	By Senator Kessler (Mr. President): Relating to nonintoxicating beer distributor licensees.	130	283	2451-2459	372, 2459	2451	131, 320, 338, 354-355, 372, 2451-2459, 2669, 2676

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
173-	By Senators Wells, Yost, Jenkins, Fitzsimmons and D. Hall: Establishing policy for higher education students called to active military duty.	131	883				131, 883
174-	By Senators Wells, Yost, Jenkins, Snyder, Fitzsimmons, Williams and D. Hall: Providing for appointment of advocates for veterans at higher education institutions.	131	884				131, 884
175-	By Senators Carmichael and Wells: Extending time period employer has to pay final wages to terminated employee.	131					131
176-	By Senator Carmichael: Relating to tort liability actions.	131					132
177-	By Senators Walters, Blair, Boley, Carmichael, Cole, Sypolt, Wells and Nohe: Assessing excessive tardiness penalties for certain public school students.	132	246				132, 247
178-	By Senators Tucker, Williams, Cookman, Jenkins, Fitzsimmons, Miller, Laird, Nohe and D. Hall: Creating license plate for fallen law-enforcement officers' next-of-kin.	132					132
179-	By Senator Yost: Relating to meeting and conference rights of police or fire departments' members.	132					133
180-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Reforming Medicaid subrogation statute.	133					133
181-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Clarifying drugged driving offense.	134					134

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
182-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Lowering available tax credit amount for film industry.	134	546				134, 547
183-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Updating terms in Corporation Net Income Tax Act.	134	547		668	1381	134, 591-592, 612, 668-669, 2636, 2674
184-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Updating terms in Personal Income Tax Act.	134					135
**185-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating to alternative-fuel motor vehicles and qualified refueling infrastructure tax credits.	135	751, 884-886		1045	2369	136, 752, 974, 1025, 1045-1046, 2669, 2677
186-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating generally to deposits in Special Railroad and Intermodal Enhancement Fund and Revenue Shortfall Reserve Fund.	136					137
**187-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Creating Jobs Impact Statement Act.	137	548, 708		864		137, 548, 791, 835, 864
*188-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Creating vendor transportation program to transport Medicaid service recipients.	137	576				138, 577
189-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Increasing capital investment threshold for certain economic opportunity development districts.	138	323				138, 324

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
190-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating to public-private transportation projects funding.	138	545, 677	788-789, 825-826	825	2369	139, 545, 742, 788-789, 825-826, 2663, 2674
*191-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating to increasing maximum aggregate funding to Revenue Shortfall Reserve Fund.	139	886-888		1047		140, 974, 1025, 1046-1047
192-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Increasing civil penalties imposed by PSC for pipeline safety violations.	140					140
193-	By Senators Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley, M. Hall and Nohe: Repealing code relating to sterilization of mentally incompetent persons.	154					154
194-	By Senators Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost Boley and M. Hall: Relating to DHHR contract procedures.	154	324	392, 2148-2153	391, 2153	2147-2148	154, 355, 374, 391-392, 2147-2154, 2659, 2674
*195-	By Senators Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, yost, Boley, M. Hall and Beach: Modifying tax rate expiration date on eligible acute care hospitals.	154	576-577, 960		1118	2035	154, 577, 1031, 1070, 1117-1118, 2657, 2675
196-	By Senator Beach: Relating to Coopers Rock State Forest.	154					155
197-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts.	155	300-301		373	593	155, 338, 355, 372-373, 747, 802

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
198 –	By Senators Yost, Fitzsimmons and Beach: Exempting magistrates and municipal court judges from concealed weapon license requirement.	155					156
199 –	By Senator Kessler (Mr. President): Relating to interstate compact for election of president by national popular vote.	156					156
*200 –	By Senator Laird: Relating to Eyewitness Identification Act.	156	444	2154-2155	540, 2155	2154	156, 477, 496, 540, 2154-2155, 2663, 2674
**201–	By Senators Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley and M. Hall: Permitting expedited partner therapy.	156	445-447, 648		787		157, 447, 702, 741, 786-787
**202–	By Senators Kessler (Mr. President), Fitzsimmons, Beach, Miller, Laird, Nohe and Stollings: Creating WV Spay Neuter Assistance Program and Fund.	157	283, 960	2156	1119, 2156	2155	157, 284, 1031, 1070, 1118-1119, 2155-2156, 2663, 2676
203 –	By Senators Williams, Beach, Sypolt, Plymale and Nohe: Allowing posting of visible paint markings prohibiting hunting or trespassing.	157	888				157, 888
204 –	By Senators Snyder and Miller: Allowing licensure of certain veterinarians by endorsement.	158					158
205 –	By Senators Palumbo, Fitzsimmons, Beach, Chafin, Wells and Plymale: Prohibiting juveniles from manufacturing, possessing and distributing nude or partially nude images of minors.	158					158
206 –	By Senators Stollings, Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, M. Hall and Nohe: Repealing code allowing sale of healthy beverages and soft drinks in schools.	158					158, 183-184

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
207 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts.	174					175
208 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Making supplementary appropriation from State Fund, General Revenue, to Department of Commerce, Division of Labor, and DHHR, Division of Human Services.	175	547		669	1615	176, 591-592, 612, 669-670, 2654, 2674
209 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Making supplementary appropriation from State Fund, State Excess Lottery Revenue Fund, to DHHR, Division of Human Services.	176					176
210 –	By Senators Kessler (Mr. President), Cookman, Unger, Fitzsimmons, Green and Williams: Providing certain magistrate court employees to be compensated equally.	176					176
211 –	By Senators McCabe and Beach: Requiring criminal history record check for certain Real Estate Commission license applicants.	176					177
212 –	By Senators Palumbo and Stollings: Requiring quorum when canvassing election returns.	177					177
213 –	By Senators Palumbo and McCabe: Authorizing county commissions to temporarily fill certain office vacancies.	177					177
214 –	By Senators Stollings and Snyder: Eliminating interview requirement for certain medical licensee applicants.	177	324	1616	393, 1617	1615-1616	178, 355, 374, 392-393, 1616-1617, 2658, 2674
215 –	By Senators Carmichael and Blair: Limiting punitive damages awarded in personal injury or wrongful death cases.	178					178

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
216 –	By Senators Carmichael and Blair: Requiring prevailing hourly rates in public improvements construction.	178					178
217 –	By Senators Williams and Beach: Reducing wholesale tax on certain fuels.	178					178
218 –	By Senators Williams, Miller and Beach: Including checkoff option on tax return for Jackson's Mill 4-H Camp.	178	650				179, 650
219 –	By Senator Snyder: Authorizing Department of Administration promulgate legislative rule relating to selecting design-builders under Design-Build Procurement Act.	187	301-303				187, 303
220 –	By Senator Snyder: Authorizing Department of Administration promulgate legislative rule relating to state-owned vehicles.	187	301-303				187, 303
221 –	By Senator Snyder: Authorizing Office of Administrative Hearings promulgate legislative rule relating to appeal procedures.	187	500				187, 501
222 –	By Senator Snyder: Authorizing Commissioner of Agriculture promulgate legislative rule relating to animal disease control.	188	284				188, 285
223 –	By Senator Snyder: Authorizing Board of Architecture promulgate legislative rule relating to registration of architects.	188	301-303				188, 303
224 –	By Senator Snyder: Authorizing Athletic Commission promulgate legislative rule relating to mixed martial arts.	188	301-303				188, 303
225 –	By Senator Snyder: Authorizing Board of Barbers and Cosmetologists promulgate legislative rule relating to procedures, criteria and curricula for examination and licensure of barbers, cosmetologists, nail technicians, aestheticians and hair stylists.	188	301-303, 325				188, 303, 326

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
226 –	By Senator Snyder: Authorizing Board of Barbers and Cosmetologists promulgate legislative rule relating to barber apprenticeships.	189	326, 501				189, 326, 502
227 –	By Senator Snyder: Authorizing Board of Barbers and Cosmetologists promulgate legislative rule relating to operational standards for schools of barbering and beauty culture.	189	326-327				189, 327
228 –	By Senator Snyder: Authorizing Broadband Deployment Council promulgate legislative rule relating to broadband deployment grants programs.	189	678				189, 678
229 –	By Senator Snyder: Authorizing Conservation Committee promulgate legislative rule relating to operation of State Conservation Committee and conservation districts.	189	377, 502				189, 377, 502
230 –	By Senator Snyder: Authorizing CPRB promulgate legislative rule relating to general provisions.	190	256				190, 257
231 –	By Senator Snyder: Authorizing CPRB promulgate legislative rule relating to benefit determination and appeal.	190	358				190, 359
232 –	By Senator Snyder: Authorizing CPRB promulgate legislative rule relating to Teachers Retirement System.	190	256-257				190, 257
233 –	By Senator Snyder: Authorizing CPRB promulgate legislative rule relating to Public Employees Retirement System.	190	257				190, 258
234 –	By Senator Snyder: Authorizing CPRB promulgate legislative rule relating to State Police.	191	257				191, 257
235 –	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to board.	191					191

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
236 –	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to practitioner requirements for accessing Controlled Substances Monitoring Program database.	191	397-398				191, 398
237 –	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to continuing education requirements.	191	301-303				191, 303
238 –	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to expanded duties of dental hygienists and dental assistants.	192	303				192, 303
239 –	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to permits for construction and major modification of major stationary sources for prevention of significant deterioration of air quality.	192	304				192, 305
240 –	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to standards of performance for new stationary sources.	192	304				192, 305
241 –	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to control of air pollution from combustion of solid waste.	192	304				193, 305
242 –	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities.	193	304				193, 305
*243 –	By Senator Snyder: Authorizing DEP promulgate legislative rules.	193	304, 753	1735	913, 1736	1712	193, 305, 837, 873, 913-914, 1712-1719, 1734-1736, 2658, 2675
244 –	By Senator Snyder: Authorizing DEP promulgate legislative rules relating to emission standards for hazardous air pollutants.	193	304				193, 305

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
245 –	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to horizontal well development.	193	502-503				194, 503
246 –	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to covered electronic devices recycling.	194					194
247 –	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to hazardous waste administrative proceedings and civil penalty assessment.	194					194
248 –	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to water pollution control permit fee schedules.	194	424				194, 425
249 –	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to WV/NPDES regulations for coal mining facilities.	194	399				195, 399
*250 –	By Senator Snyder: Authorizing Department of Commerce promulgate legislative rules.	195	399, 888-892	2157-2167	1048, 2167	2156	195, 400, 974, 1025, 1047-1048, 2156-2168, 2669, 2677
251 –	By Senator Snyder: Authorizing State Fire Commission promulgate legislative rule relating to State Building Code.	195	325				195, 326
252 –	By Senator Snyder: Authorizing State Fire Commission promulgate legislative rule relating to volunteer firefighters' training, equipment and operating standards.	195	326-327				195, 327
253 –	By Senator Snyder: Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to law-enforcement training and certification standards.	195	305				196, 305

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
254 –	By Senator Snyder: Authorizing Governor’s Committee on Crime, Delinquency and Correction promulgate legislative rule relating to protocol for law-enforcement response to stalking.	196	301-303				196, 303
255 –	By Senator Snyder: Authorizing Governor’s Committee on Crime, Delinquency and Correction promulgate legislative rule relating to protocol for law-enforcement response to child abuse and neglect.	196	301-303				196, 303
256–	By Senator Snyder: Authorizing Hatfield-McCoy Regional Recreation Authority promulgate legislative rule relating to rules for use of facility.	196	305-306				196, 307
257 –	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to regulation of opioid treatment programs.	196	340-341				197, 341
258 –	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to chronic pain management clinic licensure.	197	503, 549				197, 504, 549
259 –	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to child care centers’ licensing.	197	341-342				197, 342
260 –	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults.	197	340-341				197, 341
261 –	By Senator Snyder: Authorizing Commissioner of Agriculture promulgate legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas.	197	285, 425				198, 285, 425
262 –	By Senator Snyder: Authorizing Health Care Authority promulgate legislative rule relating to WV Health Information Network.	198	303				198, 303

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
263 –	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to pulse oximetry newborn testing.	198	341-342				198, 342
264 –	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to general sanitation.	198	340-341				198, 341
*265 –	By Senator Snyder: Authorizing DHHR promulgate legislative rules.	198	340-341, 754	2654-2574	914, 2574	1719, 2615	199, 341, 837, 873, 914-915, 1719-1730, 2048-2049, 2451, 2564-2575, 2669, 2676
266 –	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to fees for services.	199	307-501				199, 307, 502
267 –	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to reportable diseases, events and conditions.	199	400, 504				199, 400, 505
268 –	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to regulation of opioid treatment programs.	199	340-341				199, 341
269 –	By Senator Snyder: Authorizing Commissioner of Highways promulgate legislative rule relating to transportation of hazardous wastes upon roads and highways.	200	505				200, 505
*270 –	By Senator Snyder: Authorizing Department of Revenue promulgate legislative rules.	200	285-286, 377, 888-892	2460-2463	1049, 2464	2460	200, 286, 378, 975, 1025, 1048-1049, 2460-2464, 2669, 2676
271 –	By Senator Snyder: Authorizing Division of Labor promulgate legislative rule relating to bedding and upholstered furniture.	200	327				200, 328
272 –	By Senator Snyder: Authorizing Division of Labor promulgate legislative rule relating to Amusement Rides and Attractions Safety Act.	200	327				200, 328

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
273 –	By Senator Snyder: Authorizing Division of Labor promulgate legislative rule relating to supervision of elevator mechanics and apprentices.	201	327-328				201, 328
274 –	By Senator Snyder: Authorizing Division of Labor promulgate legislative rule relating to Crane Operator Certification Act.	201	327-328				201, 328
275 –	By Senator Snyder: Authorizing Division of Labor promulgate legislative rule relating to Crane Operator Certification Act – practical examination.	201	327-328				201, 328
276 –	By Senator Snyder: Authorizing Lottery Commission promulgate legislative rule relating to state lottery rules.	201	378				201, 378
277 –	By Senator Snyder: Authorizing Board of Medicine promulgate legislative rule relating to practitioner requirements for accessing Controlled Substances Monitoring Program database.	202	397-398				202, 398
278 –	By Senator Snyder: Authorizing Board of Medicine promulgate legislative rule relating to licensure, disciplinary and complaint procedures; continuing education; and physician assistants.	202	397-398				202, 398
279 –	By Senator Snyder: Authorizing Board of Medicine promulgate legislative rule relating to continuing education for physicians and podiatrists.	202	397-398				202, 398
280 –	By Senator Snyder: Authorizing Board of Miner Training, Education and Certification promulgate legislative rule relating to standards for certification of coal mine electricians.	202	399				203, 399
*281 –	By Senator Snyder: Authorizing Department of Transportation promulgate legislative rules.	203	678, 888-892		1050	2036	203, 679, 975, 1026, 1049-1050, 2658, 2674

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
282 –	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to special boating.	203	305-306				203, 307
283 –	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to special motorboating.	203	305-306				203, 307
284 –	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to defining terms used in all hunting and trapping rules.	203	305-306				204, 307
285 –	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to prohibitions when hunting and trapping.	204	305-306				204, 307
286 –	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to deer hunting.	204	305-306				204, 307
287 –	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to general trapping.	204	305-306				204, 307
288 –	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to special waterfowl hunting.	204	305-306				205, 307
289 –	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to special fishing.	205	305-306				205, 307
290 –	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to falconry.	205	307				205, 308
291 –	By Senator Snyder: Authorizing Board of Optometry promulgate legislative rule relating to continuing education.	205	301-303				205, 303

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
292 –	By Senator Snyder: Authorizing Board of Optometry promulgate legislative rule relating to expanded therapeutic procedures certificate.	205	401				205, 401
293 –	By Senator Snyder: Authorizing Board of Optometry promulgate legislative rule relating to schedule of fees.	206	308, 501				206, 309, 502
294 –	By Senator Snyder: Authorizing Board of Osteopathic Medicine promulgate legislative rule relating to licensing procedures for osteopathic physicians.	206	401				206, 402
295 –	By Senator Snyder: Authorizing Board of Osteopathic Medicine promulgate legislative rule relating to practitioner requirements for controlled substances licensure; accessing Controlled Substances Monitoring Program database.	206	397- 398				206, 398
296 –	By Senator Snyder: Authorizing Board of Pharmacy promulgate legislative rule relating to ephedrine and pseudoephedrine control.	206	303				207, 303
297 –	By Senator Snyder: Authorizing Board of Pharmacy promulgate legislative rule relating to controlled substance monitoring.	207	397- 398				207, 398
298 –	By Senator Snyder: Authorizing Division of Protective Services promulgate legislative rule relating to contracted police or security services.	207	301- 303				207, 303
299 –	By Senator Snyder: Authorizing Racing Commission promulgate legislative rule relating to thoroughbred racing.	207	378				207, 378
300 –	By Senator Snyder: Authorizing Racing Commission promulgate legislative rule relating to greyhound racing.	207					207

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
301 –	By Senator Snyder: Authorizing Racing Commission promulgate legislative rule relating to pari-mutuel wagering.	208					208
302 –	By Senator Snyder: Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to requirements for licensure and certification.	208	301-303				208, 303
303 –	By Senator Snyder: Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to renewal of licensure – qualifications for renewal.	208	301-303				208, 303
304 –	By Senator Snyder: Authorizing Board of Examiners for Registered Professional Nurses promulgate legislative rule relating to fees for services rendered by board and supplemental renewal fee for Center for Nursing.	208	308, 501				208, 309, 502
305 –	By Senator Snyder: Authorizing Board of Examiners for Registered Professional Nurses promulgate legislative rule relating to practitioner requirements for accessing Controlled Substances Monitoring Program database.	209	397-398				209, 398
306 –	By Senator Snyder: Authorizing Board of Examiners for Registered Professional Nurses promulgate legislative rule relating to announcement of advanced practice.	209	447				209, 448
307 –	By Senator Snyder: Authorizing Board of Examiners for Registered Professional Nurses promulgate legislative rule relating to limited prescriptive authority for nurses in advanced practice.	209	447				209, 448
308 –	By Senator Snyder: Authorizing Secretary of State promulgate legislative rule relating to Uniform Commercial Code.	209					210

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
309 –	By Senator Snyder: Authorizing Secretary of State promulgate legislative rule relating to administration of Address Confidentiality Program.	210					210
310 –	By Senator Snyder: Authorizing Secretary of State promulgate legislative rule relating to regulation of political party headquarters financing.	210					210
311 –	By Senator Snyder: Authorizing Secretary of State promulgate legislative rule relating to regulation of late registration.	210					210
312 –	By Senator Snyder: Authorizing Bureau of Senior Services promulgate legislative rule relating to in-home care worker registry.	210	308, 501				210, 309, 502
313 –	By Senator Snyder: Authorizing Board of Social Work promulgate legislative rule relating to fee schedule.	211	325				211, 326
314 –	By Senator Snyder: Authorizing Board of Social Work promulgate legislative rule relating to qualifications for profession of social work.	211	425				211, 426
315 –	By Senator Snyder: Authorizing Board of Social Work promulgate legislative rule relating to applications.	211	325				211, 326
316 –	By Senator Snyder: Authorizing Board of Social Work promulgate legislative rule relating to continuing education for social workers and providers.	211	325				211, 326
317 –	By Senator Snyder: Authorizing Board of Social Work promulgate legislative rule relating to code of ethics.	212	325				212, 326

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
318 –	By Senator Snyder: Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to licensure of speech pathology and audiology.	212	325				212, 326
319 –	By Senator Snyder: Authorizing State Tax Department promulgate legislative rule relating to valuation of commercial and industrial real and personal property for ad valorem property tax purposes.	212	378				212, 378
320 –	By Senator Snyder: Authorizing Treasurer's Office promulgate legislative rule relating to enforcement of Uniform Unclaimed Property Act.	212	301-303				212, 303
321 –	By Senator Snyder: Authorizing Board of Veterinary Medicine promulgate legislative rule relating to organization and operation and licensing of veterinarians.	213	286, 426				213, 287, 426
322 –	By Senator Snyder: Authorizing Board of Veterinary Medicine promulgate legislative rule relating to schedule of fees.	213	301-303				213, 303
323 –	By Senator Snyder: Authorizing Board of Osteopathic Medicine promulgate legislative rule relating to osteopathic physician assistants.	213	401-402				213, 402
**324–	By Senators Stollings and Beach: Allowing boards licensing persons engaging in manufacture, distribution or dispensing controlled substances set fees by legislative rule.	213	549-550, 961-962		1119		214, 550, 1031, 1070, 1119-1120
325 –	By Senators Stollings, Jenkins, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley, M. Hall, Unger, Fitzsimmons, Beach, Carmichael and Nohe: Creating loan forgiveness program for health professionals.	214					214

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*326 –	By Senators Plymale, Prezioso, Laird, Miller, Unger, Wells, Boley, Beach and Tucker: Establishing appropriation request process for higher education system.	214	402, 980	1120	1120		214, 403, 1031, 1070, 1120-1121
327 –	By Senators Beach, Kirkendoll and Williams: Relating to school bus driver certification.	215					215
328 –	By Senators Tucker and Barnes: Relating to financial oversight of entities regulated by Insurance Commissioner.	215					215
329 –	By Senators Laird, Miller, Unger, Snyder, Fitzsimmons, Beach, Barnes, Stollings and Nohe: Increasing certain rights of grandparents.	215					215
330 –	By Senators Unger, Beach, Williams and Nohe: Prohibiting firearm seizure during declared state of emergency.	216					216
331 –	By Senators Kessler (Mr. President), Unger, Miller, Laird, D. Hall, Beach, Williams and Plymale: Permitting Courthouse Facilities Improvement Authority to issue bonds.	216	551, 892	971	1016	2036	217, 551, 929, 971, 1015-1016, 2658, 2679-2681
332 –	By Senator Yost: Relating to certification requirements of workers painting state bridges.	217					217
333 –	By Senators Sypolt, D. Hall and Williams: Relating to carrying concealed weapons on State Capitol Complex grounds.	217					217
*334 –	By Senators Yost and Edgell: Requiring certain public works employees complete construction safety program.	217	679				218, 680
*335 –	By Senators Yost, Edgell and Fitzsimmons: Permitting certain hospitals exemption from certificate of need.	218	328-329	2370	394, 2370	2369	218, 355, 374, 393-394, 2369-2371, 2669, 2676

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
**336-	By Senators Stollings, Wells, Plymale, Barnes, Beach, Unger, Palumbo, Kessler (Mr. President) and Jenkins: Relating to interscholastic athletics concussions and head injuries.	233	577-578, 709	2371-2375	865, 2375-2376	2371	234, 578, 791, 835, 864-865, 2371-2376, 2663, 2676
337 -	By Senators Palumbo, Beach, Fitzsimmons, Kirkendoll, Tucker, Williams and Nohe: Creating Sexual Assault Forensic Examination Commission.	234					234
338 -	By Senators Palumbo, Beach, Kirkendoll, Tucker, Williams, Nohe and McCabe: Relating to liability of possessor of real property for harm to trespasser.	234	329		395		234, 355, 374, 394-395
339 -	By Senator Beach: Relating to depositing funds into Education Improvement Fund for PROMISE Scholarships.	235					235
340 -	By Senators Stollings, Kessler (Mr. President), Jenkins, Unger, Laird, Prezioso, Palumbo, Plymale, Beach, M. Hall, Nohe, Fitzsimmons, Miller, Tucker and McCabe: Allowing schools to maintain epinephrine auto-injectors for use during anaphylactic reaction emergencies.	235					235
**341-	By Senators Miller, Williams, Laird, Nohe and D. Hall: Relating to livestock fencing and trespassing.	235	379, 648-649		787		236, 379, 702, 741, 787
342 -	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Creating WV Land Stewardship Corporation Act.	236	710				237, 710
343 -	By Senators Williams, Fitzsimmons, Yost, Beach and Tucker: Dedicating portion of oil and gas severance tax to counties and municipalities of origin.	237					238
*344 -	By Senator Plymale: Relating to regional meetings among certain county boards of education officials.	238	342, 979				238, 343, 1031, 1070-1071, 1135

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
345 –	By Senators Kessler (Mr. President), Miller, Williams, Boley, Beach, Snyder, Cann, D. Hall, Jenkins, Yost, Stollings, Plymale, Fitzsimmons, Tucker and Wells: Increasing number of state troopers and beginning pay.	248					249
346 –	By Senators Snyder, Miller, Green, Sypolt, D. Hall and Williams: Creating Appraisal Management Companies Registration Act.	249					249
*347 –	By Senators Snyder, Miller, Green, Sypolt, Unger and Fitzsimmons: Requiring Public Employees Grievance Board and Division of Personnel provide training seminars to certain persons.	249	421-422, 1075	1136	1175		249, 422, 1076, 1135-1136, 1174-1175
348 –	By Senators Yost and Fitzsimmons: Lowering threshold amount triggering low contract bidder to submit list of subcontractors.	250					250
349 –	By Senators Cookman, Snyder, Yost, Plymale, McCabe, Fitzsimmons and Wells: Implementing Child and Adolescent Needs and Strengths System for evaluating out-of-home placement of children.	250	935				250, 935
350 –	By Senators Unger, Fitzsimmons and Beach: Prohibiting electioneering outside entrance to polling place during early voting.	250					251
351 –	By Senators Unger and Beach: Allowing certain employees donate sick leave for leave donation program.	251					251
352 –	By Senator Unger: Relating to mandatory disclosure by mental health professionals of potential patient harm to another person.	251					251
*353 –	By Senator Unger: Establishing First Informer Broadcasters Act.	251	505-506		609		251, 572, 591, 609-610

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
354 –	By Senators Plymale, Kessler (Mr. President), Cann, Stollings, Fitzsimmons, Tucker and McCabe: Requiring study on alternative revenue sources for funding state roads.	251	843, 935-936	1026	1051		252, 843, 975, 1026, 1050-1051
*355 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating to final wage payment to discharged employees.	252	680, 1076	2168	1175, 2169	2168	252, 681, 1077, 1136-1137, 1175-1176, 2168-2169, 2663, 2674
356 –	By Senators Snyder, Unger, Plymale, Beach and Williams: Increasing salaries of certain State Police forensic lab employees and certain civilian employees.	252					252
357 –	By Senators Tucker and Barnes: Including commercial campsite in definition of “hotel” for hotel occupancy tax purposes.	252					253
*358 –	By Senators Jenkins, Plymale, Chafin and McCabe: Relating to municipal policemen and firemen pensions.	258	359, 551	613, 670	670	1617	258, 360, 591-592, 613, 670-671, 2658, 2674
*359 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating generally to reforming public education.	258-262	506-511, 552	614-634, 635-639	634	795	262, 511, 552, 588, 592, 610, 614-639, 1281, 1456
360 –	By Senators Laird, Kessler (Mr. President), Barnes, Boley, Carmichael, Green, D. Hall, M. Hall, Jenkins, Miller, Nohe, Yost, Wells, Plymale, Chafin, Palumbo, Fitzsimmons, Williams, McCabe and Cann: Issuing deputy sheriffs ballistic vest upon law-enforcement certification.	262	427				262, 427
361 –	By Senators Unger and Nohe: Creating WV Homeowner Bill of Rights.	263					263
362 –	By Senators Snyder and Miller: Dedicating proceeds from county excise tax on transfer of real property to regional jails.	264					264

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*363 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Implementing purchasing reforms.	264	936-1077		1176		265, 937, 1137, 1176-1177
364 –	By Senator Unger: Relating to nomination of political candidates and party affiliation.	265					265
*365 –	By Senators Kessler (Mr. President), Chafin, Laird, Miller and Stollings: Relating to certain criminal conviction expungement.	265	1000-1001		1177		265, 1074, 1137, 1177
366 –	By Senators McCabe, Cann, Facemire, Green, D. Hall, Walters and Kessler (Mr. President): Relating to tax credit for certain alternative-fuel motor vehicles.	265					266
367 –	By Senators Miller, Snyder, Unger, Chafin and Laird: Creating Citizens Elected County Officials Compensation Commission.	266	511				266, 512
368 –	By Senators Cookman and Plymale: Clarifying certain criminal conviction constitutes basis for voiding marriage.	266	482		589		267, 541, 571, 588-589
*369 –	By Senators Unger, Kessler (Mr. President), D. Hall, Cookman, Cann, Laird, Beach, Fitzsimmons, Jenkins and Williams: Relating to concealed handgun license reciprocity.	287	892-894	2169-2175	1052, 2176	2169	287, 975, 1026, 1051-1052, 2169-2176, 2669, 2676
370 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Adjusting foundation allowance for school transportation costs and regional education service agencies.	287					288
**371–	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating to prison overcrowding.	288-291	448-451, 650-654	700-702, 737-741, 2176-2239	737, 2240	2176	291, 452, 654, 700-702, 736-741, 2176-2240, 2669, 2676

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*372 –	By Senators Laird, Beach, Miller, Prezioso, Unger, Stollings, Plymale, Cann, Fitzsimmons, Jenkins and Williams: Creating criminal offense for interfering with emergency service call.	291	444-445		541		291, 477, 496, 540-541
373 –	By Senators Plymale (By Request) and Kessler (Mr. President): Modifying age-range requirement for certain criminal conviction expungement.	291					291
374 –	By Senator Unger: Creating WV Benefit Corporation Act.	291					292
375 –	By Senators Plymale, Jenkins, Unger, Stollings and Cookman: Granting courts broad discretion in placing neglected or abused children.	292					292
376 –	By Senator Kirkendoll: Relating to DUI hearings before Office of Administrative Hearings.	313	512				313, 512
377 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Redefining “retailer engaging in business in this state” for sales and use tax purposes.	313					313
**378–	By Senators D. Hall, Kessler (Mr. President), Cann, Edgell, Facemire, Green, Unger, Williams, Fitzsimmons and Plymale: Adjusting population line for calculating certain magistrate and staff salaries.	313	931-933, 1078		1178		314, 933, 1078, 1137, 1177-1178
379 –	By Senators Beach, Kessler (Mr. President), Blair, Boley, D. Hall, Miller, Fitzsimmons, Laird and Sypolt: Expanding prescriptive authority of advanced nurse practitioners and certified nurse-midwives.	314					314

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
380 –	By Senators Barnes, Kessler (Mr. President), Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost, Palumbo, Beach and Plymale: Expanding Military Incentive Program for economically disadvantaged veterans.	314	403				314, 404
381 –	By Senators Williams, Barnes, Blair, Cookman, Sypolt and Stollings: Increasing number of family court judges.	315					315
382 –	By Senators Cookman, Stollings, Unger, Plymale and Palumbo: Relating generally to appointment and termination of guardians for minors.	315					315
383 –	By Senators Cookman, Stollings, Plymale and Palumbo: Authorizing family court judges appoint counsel in certain contempt cases.	315	482	589, 1265	589, 1266	1265	315, 541, 571, 589-590, 1265-1266, 2636, 2673
*384 –	By Senators Cookman, Stollings, Unger, Plymale and Palumbo: Increasing certified legal education credits required for court-appointed attorneys in juvenile cases.	315	756		916		316, 837, 873, 915-916
385 –	By Senators Cookman, Stollings, Unger, Plymale and Palumbo: Allowing family court judge order child to be taken into custody in certain emergency situations.	316					316
*386 –	By Senators Cookman, Plymale and Palumbo: Relating to personal safety orders.	316	427	2479-2481	493, 2482	1730, 2615	316, 456, 476-477, 493-494, 1730-1733, 2049-2050, 2099, 2479-2482, 2659, 2674
387 –	By Senators Cookman, Unger, Plymale and Palumbo: Relating to family court judge supervision of criminal background investigations.	316	428		494	1617	316, 456, 477, 494-495, 2658, 2676

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*388 –	By Senators Cookman, Unger, Plymale and Palumbo: Requiring DHHR pay for certified programs for certain drug offenders.	316	931-933				317, 933
389 –	By Senators Beach, Kirkendoll, Miller and Williams: Relating to alternative nicotine products.	317					317
390 –	By Senator Carmichael: Increasing threshold of defendant's liability in tort action involving multiple defendants.	317					317
391 –	By Senators Plymale and Unger: Transferring Division of Early Care and Education and Head Start State Collaborative to Department of Education and Arts.	317	578-579				318, 579
392 –	By Senators D. Hall, Green and McCabe: Relating to regulation of fireworks.	318					318
393 –	By Senators Williams, Laird and Sypolt: Relating to licensed surveyors exemption from liability for defamation of slander of title.	318					318
394 –	By Senators Kessler (Mr. President), Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost: Relating to scholarships for dependent children of law-enforcement officers who die in performance of duty.	329-330	512-513, 843	1017, 2376-2389	1017, 2389	2376	330, 513, 929, 971-972, 1016-1017, 2376-2390, 2663, 2674
395 –	By Senators Barnes, Blair, Cole, Williams, D. Hall, M. Hall, Beach, Nohe and McCabe: Absolving landowner's civil liability for hunting, trapping or fishing injuries.	330					330

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
396 –	By Senators Barnes and Nohe: Creating WV Religious Freedom Restoration Act.	330					330
397 –	By Senators Unger, Kessler (Mr. President) and Beach: Creating Protecting West Virginia's Investments Act.	330					331
398 –	By Senators Stollings, Kirkendoll, Miller, Laird, D. Hall and Beach: Relating to funding assistance from Courthouse Facilities Improvement Authority.	331					332
399 –	By Senators Tucker, D. Hall and Chafin: Relating to licensure of insurance adjusters.	332					332
400 –	By Senators Carmichael and Chafin: Relating to Municipal Home Rule Pilot Program.	332					332
*401 –	By Senators Snyder and Chafin: Relating to Board of Registration for Professional Engineers.	332	937, 1102	2240- 2241	1179, 2242	2240	333, 938, 1102, 1178- 1179, 2240-2242, 2669, 2676
402 –	By Senators Snyder and Miller: Relating to Domestic Violence Act.	333					333
403 –	By Senators Palumbo, Chafin and Kessler (Mr. President): Relating to judicial retirement system contribution rates.	334	803, 1079	1137- 1138, 1180, 2390- 2391	1180, 2391	2390	334, 803, 1079, 1137- 1138, 1179-1180, 2390- 2392, 2669, 2676
404 –	By Senators Cookman, Stollings, Miller, Williams, Fitzsimmons, Green and Palumbo: Defining certain habitually absent student as neglected child.	343	513, 654				343, 513, 702, 741, 789
405 –	By Senators Cann, D. Hall, Prezioso, Sypolt and Carmichael: Limiting health insurance coverage for elective abortions to supplemental policies.	344					344
*406 –	By Senators Jenkins, McCabe and Cann: Relating to Deputy Sheriff Retirement System Act.	344	463, 757				344, 463, 837, 873-874, 919

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
407 –	By Senator Stollings: Relating generally to child support orders.	344	447, 654- 655	2243	788, 2244	2242- 2243	345, 448, 702, 742, 787- 788, 2242-2244, 2663, 2674
408 –	By Senators Unger and Prezioso: Allowing private property owner to prohibit concealed weapons.	345					345
409 –	By Senators Stollings and Cann: Modifying county funding ratio of school students to counselors.	345					345
*410 –	By Senators Tucker, Fitzsimmons, Laird, Miller, Snyder, Walters, Yost, D. Hall, Kessler (Mr. President) and Stollings: Relating to property insurance coverage denied or canceled due to natural causes.	345	844				346, 845
411 –	By Senator Stollings: Establishing child support insurance match program.	346					346
*412 –	By Senators Miller, Williams, Kessler (Mr. President) and Sypolt: Relating to county conservation district supervisors.	346	380, 514	1266- 1270	611, 1271	1266	346, 380, 572, 591, 610- 611, 1266-1271, 2636, 2673
*413 –	By Senators Laird, Kessler (Mr. President), Beach, Cann, Cookman, Edgell, Facemire, Jenkins, McCabe, Miller, Snyder, Tucker, Wells, Unger, Stollings, Prezioso and Plymale: Extending WV Supreme Court of Appeals Public Campaign Financing Pilot Program.	347	894				347, 895
*414 –	By Senators Laird and Miller: Clarifying hunting and fishing license-issuing authorities.	347	514, 710	2392- 2393	865, 2394	2392	347, 515, 791, 835, 865- 866, 2392-2394, 2663, 2674
415 –	By Senators Cookman, Stollings, Plymale and Palumbo: Relating to multidisciplinary team meetings for juveniles in Division of Juvenile Services' custody.	347	895				348, 895
416 –	By Senators Laird, Jenkins, Stollings, Miller and Nohe: Requiring prisoners exhaust administrative remedies prior to bringing civil suit.	348					348

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
417 –	By Senators Carmichael, Blair, Green, D. Hall, Nohe and Walters: Relating to drug testing of legislators and public assistance recipients.	360					360
*418 –	By Senators Jenkins and McCabe: Relating to Emergency Medical Services Retirement System Act.	361	463, 758				361, 463, 837, 874, 919, 972
*419 –	By Senators Jenkins and McCabe: Relating to Teachers Retirement System.	361- 363	463, 759				363, 463, 837, 874, 920, 972
420 –	By Senators Nohe, Sypolt, Blair, Boley, Carmichael, Cole, D. Hall and Walters: Creating Firearm Protection Act.	363					363
*421 –	By Senators Nohe, Boley, Carmichael and Walters: Exempting certain school mascot from prohibition of firearms possession on school grounds.	363	761, 981		1122	1272	363, 761, 1031, 1071, 1121-1122, 2636, 2673
422 –	By Senators Plymale, Miller, Jenkins and Stollings: Increasing Cultural Facilities and Capitol Resources Matching Grant Program Fund allocation from racetrack video lottery.	363					364
423 –	By Senators Laird, Kirkendoll, Stollings, Kessler (Mr. President), Cookman and Plymale: Providing certain convicted persons reduction in sentence.	364	428	2395- 2397	495, 2397	2394	364, 456, 477, 495-496, 2394-2397, 2663, 2675
424 –	By Senators Facemire and Beach: Terminating state's jurisdiction over certain surface mining operation sites.	364					364
425 –	By Senators Tucker, Kessler (Mr. President) and Cookman: Relating to mental health treatment alternatives.	364					365
**426 –	By Senator Snyder: Amending Uniform Commercial Code.	365	552- 553, 1079- 1080	2244- 2257	1181, 2258	2244	365, 554, 1080, 1138, 1181, 2244-2258, 2670, 2677
*427 –	By Senator Green: Clarifying requirements for certain motor vehicle searches.	365	481		590		365, 541, 571-572, 590- 591

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
**428-	By Senator Stollings: Relating to billing for HIV or STD testing and treatment.	366	445-447, 845		1018		366, 447, 929, 972, 1017-1018
429 -	By Senator Stollings: Redefining "facility" under Medication Administration by Unlicensed Personnel Act.	366	447, 748		917		366, 448, 837, 874, 916-917
*430 -	By Senators Jenkins and McCabe: Defining "employment term" in Teachers' Defined Contribution Retirement System.	366	463, 761	920-925, 1272	967, 1273	1272	366, 463, 837, 874-875, 920-925, 967, 1272-1273, 2636, 2673
*431 -	By Senators Jenkins and McCabe: Relating to public employer liability for delinquent retirement contributions.	366	463, 762	926-928, 1273-1274	968, 1274	1273	367, 463, 837, 875, 926-928, 968, 1273-1274, 2636, 2673
*432 -	By Senators Jenkins, Kessler (Mr. President), Barnes, Beach, Cann, Carmichael, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Kirkendoll, McCabe, Palumbo, Snyder, Stollings, Unger, Wells, Williams, Yost and Plymale: Relating generally to State Treasurer's Office.	367-370	464-467				370, 467
*433 -	By Senators Tucker and Plymale: Creating informal dispute resolution process for DHHR providers or licensees.	380	711, 981		1123		380, 712, 1031, 1071, 1122-1123
434 -	By Senators Tucker, Fitzsimmons, Laird, Miller, Snyder, Walters, Yost, Kessler (Mr. President), Sypolt and Plymale: Prohibiting increase of motor vehicle insurance premium under certain circumstances.	381					381
*435 -	By Senators Snyder, Miller, Kessler (Mr. President), Jenkins, Yost, Stollings, Plymale, McCabe, Fitzsimmons, Palumbo and Beach: Continuing Municipal Home Rule Pilot Program.	381	404	439-440, 2575-2586	441, 2587	1618, 2616	381, 405, 439-442, 1618-1629, 1733, 2451, 2575-2587, 2663, 2677
436 -	By Senators Prezioso and Facemire: Eliminating rehabilitated residential building tax credit.	381					381

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
**437-	By Senators Unger, Beach and Yost: Regulating commercial dog-breeding operations.	382	846, 1081		1182	2036	382, 847, 1081, 1138, 1181-1182, 2659, 2677
*438 -	By Senators Plymale, Wells and McCabe: Authorizing reorganization of certain community and technical colleges.	382	712, 896	2398- 2401	1052, 2401	2397	383, 713, 975, 1026, 1052-1053, 2397-2402, 2670, 2677
439 -	By Senators Prezioso, Facemire and Plymale: Relating to payment correction procedure for erroneous fund distribution.	383	713				383, 713
*440 -	By Senators Prezioso, Facemire, Stollings and Plymale: Relating to disclosure of specified tax information for enforcement of Tobacco Master Settlement Agreement.	383	714- 716		866	1629	383, 791, 835, 866-867, 2659, 2675
441 -	By Senators Prezioso, Facemire, Stollings, Plymale and McCabe: Relating to withdrawal of erroneous state tax liens.	383	579	2258- 2259	699, 2259	2258	384, 613, 673, 699-700, 2258-2260, 2664, 2675
442 -	By Senators Unger, Kessler (Mr. President), D. Hall, Fitzsimmons and Beach: Allowing certain persons possess firearms without having hunting license.	384					384
*443 -	By Senators Tucker, Miller, Snyder, Walters and Kessler (Mr. President): Increasing minimum proof of financial responsibility in motor vehicle insurance coverage.	384	655				384, 656
*444 -	By Senators Plymale, Jenkins and Beach: Relating to higher education generally.	384	982, 1142	2402- 2415	1182, 2416	2402	384, 983, 1143, 1182- 1183, 2402-2416, 2670, 2676
*445 -	By Senators Prezioso, Facemire, Stollings, Plymale, McCabe and Beach: Allowing Tax Commissioner divert lottery prizes to offset tax liabilities of lottery winners.	384	554, 716		867	1629	385, 555, 791, 835, 867- 868, 2659, 2675

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
446 –	By Senators Prezioso, Facemire and Beach: Conforming motor fuel taxes with International Fuel Tax Agreement.	385	547		672	1629	385, 591-592, 613, 671-672, 1630, 2659, 2675
447 –	By Senator Barnes: Prohibiting hourly wage rate from exceeding David-Bacon Act rate.	385					385
**448–	By Senators Beach, Plymale, Fitzsimmons and Williams: Increasing number of demonstration dealer plates issued to large commercial vehicle dealers.	385	555, 848		1019	1256	386, 556, 929, 972, 1018-1019, 2636, 2674
449 –	By Senators Carmichael and Blair: Relating to disposal of certain electronic devices.	386	681				386, 681
450 –	By Senator Carmichael: Establishing comparative fault standard.	386					386
451 –	By Senator Beach: Clarifying when carbon monoxide detector is required.	386	1082		1183		386, 1082, 1138, 1183
452 –	By Senator Beach: Increasing Board of Examiners for Registered Professional Nurses membership.	386					387
453 –	By Senator Beach: Reverting number of county magistrates to pre-2000 level.	387					387
**454–	By Senators Prezioso and Facemire: Relating to taxation of alternative motor fuels.	405	848-849, 1082-1083	2260-2261	1184, 2262	2260	406, 849, 1083, 1138, 1184, 2260-2262, 2670, 2677
455 –	By Senators Green, Edgell, Fitzsimmons, D. Hall and Yost: Relating to horse or dog racing.	406					406
456 –	By Senators Jenkins, Kessler (Mr. President), Chafin and Plymale: Relating to rebuttable presumption for firefighters' disability and death benefits for certain cancers.	406					407

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
457 –	By Senators Prezioso, Tucker, Laird and Plymale: Relating to air-ambulance service fees paid by PEIA.	407					407
458 –	By Senators Prezioso and Tucker: Permitting PEIA operate Medicare retiree health plan on calendar-year basis.	407	656, 1084	1310-1314	1185, 1314	1310	407, 657, 1084, 1139, 1184-1185, 1310-1315, 2636, 2639
*459 –	By Senators Carmichael and D. Hall: Relating to warranties for used motor vehicles.	407	1102				408, 1103, 1198, 1254
460 –	By Senators Wells, Green, Barnes, Beach, Edgell, Fitzsimmons, Laird, Snyder, Sybolt, Walters, Yost, Unger, Kessler (Mr. President), Stollings, Jenkins, Cann, Plymale and Williams: Exempting certain residents' active duty military pay from state income tax.	408	515, 896	1053	1053	2417	408, 515, 975, 1027, 1053-1054, 2664, 2675
*461 –	By Senators Cookman, Beach, Fitzsimmons, D. Hall, Jenkins, Laird, Williams, Unger, Kessler (Mr. President), Stollings, Chafin, Miller, Snyder, Plymale and Palumbo: Relating to procedures and protections for child witnesses in domestic relations proceedings.	408	682	2417-2422	827, 2423	2417	409, 742, 789, 827, 2417-2423, 2664, 2674
462 –	By Senators Facemire, Beach, Kirkendoll, Palumbo, Cann, Edgell, Snyder, Stollings, D. Hall, McCabe and Plymale: Extending time for informal conferences on surface mining permit applications.	409	657, 897		1054	1630	409, 657, 975-976, 1027, 1054, 2659, 2674
463 –	By Senators Kirkendoll, Beach, Facemire, Green, Laird, Snyder and Plymale: Increasing special license fee paid by pipeline companies to PSC.	409	515-516, 841	1275	1019, 1275	1274	409, 516, 929, 972-973, 1019, 1274-1276, 2636, 2674
*464 –	By Senators Stollings, Beach, Wells, Kessler (Mr. President), Yost and Unger: Regulating tanning facilities.	409	516	2263-2265	612, 2266	2262	410, 517, 572, 591, 611-612, 2262-2266, 2664, 2676

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
465 –	By Senators Wells, Fitzsimmons, Green, Snyder, Yost, Unger, Stollings, Palumbo and Williams: Providing campground fee discount to youth groups undertaking certain community service projects.	410					410
**466 –	By Senators Laird, Kessler (Mr. President), Stollings, Fitzsimmons and Williams: Creating Dangerous Wild Animals Act.	410	763, 962-963		1124		410, 764, 1031, 1071, 1123-1124
467 –	By Senators Laird, Edgell, Kirkendoll and Stollings: Revising stocking permit requirements for release of aquatic species into state waters.	410	517, 897		1055		411, 517, 976, 1027, 1054-1055
468 –	By Senators Unger, Laird, Kessler (Mr. President), Stollings, Snyder and Fitzsimmons: Creating WV Animal Abuse Registry.	411					411
*469 –	By Senators Jenkins, Kessler (Mr. President), Chafin, McCabe and Plymale: Clarifying service credit for certain PERS members.	411	463, 764	2266	918, 2267	2266	411, 463, 837, 875, 917-918, 2266-2267, 2664, 2674
470 –	By Senators Miller, Williams, Stollings, Kessler (Mr. President) and Beach: Permitting wine sale on Sunday mornings at fairs and festivals.	430	657, 938	1056	1056	2629-2630	430, 658, 976, 1027, 1055-1056, 2670, 2677
471 –	By Senator Stollings: Clarifying “years of employment” includes county school board service for retirement purposes.	430					430
472 –	By Senators Kirkendoll, Beach, Blair, Cann, Carmichael, Chafin, Cole, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Laird, McCabe, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Kessler (Mr. President) and Yost: Implementing state-specific selenium criteria plan.	431					431

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
473 –	By Senators Chafin and Beach: Allowing issuance of ten-year vehicle registration plate to Bronze Star Medal recipients.	431					431
474 –	By Senator Chafin: Clarifying when deposits are presumed abandoned for unclaimed property purposes.	431	850, 1084		1185		431, 850, 1084, 1139, 1185
475 –	By Senators Chafin, Barnes, Beach, Carmichael, Cole, Green, D. Hall, Laird, McCabe, Miller, Nohe, Sypolt, Walters, Williams, Stollings, Kessler (Mr. President) and Unger: Requiring Parkways Authority transfer portion of Turnpike revenue to certain counties.	432					432
476 –	By Senators Barnes, Blair, Cole, Cookman, Green, Sypolt, Williams, Stollings and D. Hall: Relating to distance firearm can be discharged near home, school or church.	432					432
*477 –	By Senator Palumbo: Relating to electronic registration of voters.	432	579-580		700	2036	432, 613, 673, 700, 2670, 2677
*478 –	By Senators Miller, Laird, Barnes and Williams: Redefining "video lottery games"; permitting wagering by historic resort hotel employees.	433	931-933, 1084	1631	1186, 1632	1630-1631	433, 933, 1139, 1185-1186, 1631, 2670, 2677
479 –	By Senator Snyder: Providing procedure for foreign corporations reinstate in same manner as limited liability companies.	433					433
480 –	By Senators Blair, Snyder and Unger: Requiring alcohol servers obtain alcohol server permits.	433					433
*481 –	By Senators Palumbo, Unger, Jenkins and Tucker: Relating to juvenile mental health treatment.	433	1001, 1143	1144	1187	2036	434, 1002, 1143-1144, 1186-1187, 2664, 2675
*482 –	By Senator Palumbo: Relating to sale of voter registration lists.	434	554, 841	2267-2268	1025, 2268	2267	434, 555, 929, 973, 1019-1020, 1024-1025, 2267-2268, 2670, 2677

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
483 –	By Senators Plymale, Stollings, Unger, Beach and Tucker: Increasing fire and casualty insurance policies surcharge to benefit fire departments.	434	850				435, 851
484 –	By Senators Green, D. Hall, McCabe, Williams and Stollings: Providing immunity from liability for ski patrol rendering emergency assistance.	452					452
485 –	By Senators Laird, Green, Wells, D. Hall, Unger, Miller and Tucker: Increasing compensation of natural resources police officers.	452					452
486 –	By Senators Kessler (Mr. President), Snyder, Palumbo, Wells, Beach, McCabe, Edgell, Fitzsimmons and Cookman: Prohibiting discrimination based upon age or sexual orientation.	452					453
487 –	By Senators Prezioso, Cann, Beach, M. Hall, D. Hall, Boley and Carmichael: Creating WV Pain-Capable Unborn Child Protection Act.	453					453
**488 –	By Senators Stollings, Kirkendoll, Green, D. Hall, Kessler (Mr. President), Unger and Williams: Relating to damage to health or safety systems of certain facilities.	453	658, 845- 846		1020		453, 659, 929, 973, 1020
489 –	By Senators Facemire, Cann, Chafin, Edgell, Kirkendoll, Snyder and Stollings: Permitting community enhancement districts to decrease annual property assessments.	454	683	2423- 2426	828, 2426	2423	454, 742, 789, 827-828, 2423-2427, 2670, 2677
*490 –	By Senators Unger and Snyder: Creating Equine Facilities and Care Act.	454	846- 847, 1085		1188		454, 847, 1085, 1139, 1187-1188
491 –	By Senators M. Hall, Beach, Carmichael, Kessler (Mr. President), McCabe and Walters: Relating to rental car license cost recovery fee.	454	803		969	1632	454, 876, 928, 968-969, 2659, 2675

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*492-	By Senators Tucker, Barnes, Chafin, Cookman, Edgell, Stollings, Williams and Kessler (Mr. President): Authorizing rural resort community as limited gaming facility.	454	957-959, 1085-1086	1139-1140	1188		455, 959, 1139-1140, 1188, 2629
*493 -	By Senators Plymale and Stollings: Providing standards for converting and retrofitting motor vehicles to alternative fuels.	467	897, 1086		1189		467, 898, 1086, 1140, 1188-1189
494 -	By Senators Laird, Cookman, Miller, Snyder, Stollings, Wells, Yost, Plymale and Fitzsimmons: Implementing responsible parent program pilot project.	467					468
495-	By Senators Williams and Sypolt: Requiring public notice prior to real property acquisition by Outdoor Heritage Conservation Fund Board.	468					468
496-	By Senators Facemire, Laird, Blair and Plymale: Finding and declaring certain claims against state.	468	717	1276	868, 1277	1276	468, 791, 835-836, 868-869, 1276-1277, 2637, 2673
497-	By Senators Walters, Barnes, Green, D. Hall, Kirkendoll, Miller, Nohe, Stollings, Sypolt and Tucker: Improving emergency preparedness; creating emergency generator tax credit.	483					483
**498-	By Senator Palumbo: Relating to hearing location for Alcohol Beverage Control Administration's appeal hearings.	484	939, 983-984	2427-2438	1124, 2439	2427	484, 940, 1031, 1071, 1124-1125, 2427-2439, 2664, 2674
499-	By Senator Chafin: Prohibiting sellers from placing surcharges on consumers for credit card usage.	484					484
500-	By Senator Sypolt: Authorizing certain counties levy charge on ski lift tickets to fund emergency medical services.	484					484
501-	By Senators Chafin, Barnes, Nohe and Fitzsimmons: Creating license plate for fallen law-enforcement officers' next-of-kin.	484					485

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
502-	By Senators Palumbo, Kessler (Mr. President), Unger, Stollings, Cann and McCabe: Clarifying language in Special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth.	485					485
503-	By Senators Kessler (Mr. President), Yost, Wells, Cann, Nohe and Fitzsimmons: Requiring county commissions purchase and display POW/MIA flag.	485					485
504-	By Senators Miller, Williams and D. Hall: Relating to cooperative associations.	485	659, 1087		1189	1632-1633	486, 659, 1087, 1140, 1189-1190, 2664, 2674
505-	By Senators Snyder and Wells: Publishing certain Secretary of State documents in electronic format only.	486					486
506-	By Senators Tucker and Fitzsimmons: Relating to residency requirement of state-chartered banking institution directors.	527	660, 842				527, 660, 929-930, 973, 1027, 1071
507-	By Senators Cann, Jenkins and McCabe: Relating to PERS and State Police Retirement System contribution rates.	527	804		969	2127	528, 876, 928, 969-970, 2127-2133
*508-	By Senators Prezioso, Cann, Stollings and McCabe: Creating per-credit-hour tuition demonstration pilot project.	528	749-750				528, 750, 837, 875
509-	By Senator Laird: Imposing statutory liens on certain fire insurance proceeds.	528	850, 1084		1190		528, 850, 1084, 1140, 1190
*510-	By Senators Wells, Fitzsimmons, Green, Yost and Snyder: Permitting state employees be appointed to state officer position without pay reduction.	528	684				529, 684
*511-	By Senators Yost, Edgell, Fitzsimmons, D. Hall, Laird, Wells, Unger and Williams: Creating WV Veterans Auxiliary Fund.	529	898				529, 899

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
512-	By Senator Yost: Exempting certain state and federal retirement income from state income tax.	529					529
513-	By Senator Yost: Increasing military retirement income tax exemption.	529					529
514-	By Senators Well and Barnes: Requiring full-time school personnel accrue personal leave on monthly basis.	529					530
515-	By Senators Cole, Carmichael, Green, D. Hall and Stollings: Relating to use of television receivers and other devices in vehicles.	530	804, 984	2269-2270	1125, 2271	2268	530, 804, 1031, 1072, 1125-1126, 2268-2271, 2664, 2674
*516-	By Senators Yost, Miller and Carmichael: Modifying bond requirement for closing-out sales, fire sales and defunct business sales.	530	679				530, 680
517-	By Senators Cann, Plymale, D. Hall, M. Hall and Stollings: Creating WV Fair Health Insurance Act of 2013.	530					531
*518-	By Senators Tucker and Plymale: Authorizing Insurance Commissioner propose emergency and legislative rules for certain reviews.	531	851				531, 852
519-	By Senator Barnes: Providing elected county official and employees receive raise based on Consumer Price Index.	532					532
*520-	By Senators Cann, Kessler (Mr. President), M. Hall, Kirkendoll, McCabe, Plymale, Stollings, Tucker, Williams and Palumbo: Creating WV Project Launchpad Act, WV Project Launchpad for Economic Development Property Valuation Act and Promoting WV Employment Act.	532	717-719				533, 719

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
**521-	By Senators Laird, Palumbo, Kirkendoll, Cookman, Stollings, Kessler (Mr. President), Snyder, Cann, Plymale, Williams, Miller and Chafin: Creating amnesty program for certain drivers with suspended or revoked licenses.	557	805, 1087		1191		557, 806, 1088, 1140-1141, 1190-1191
*522-	By Senators Laird, Palumbo, Kirkendoll, Cookman, Cann, Snyder and Fitzsimmons: Relating to collection and processing of certain court fees.	557	685				558, 686
523-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Making supplementary appropriation of unappropriated moneys to various accounts.	558	686	2271-2279	829, 2279	2271	559, 742, 789, 828-829, 2271-2280, 2654, 2674
524-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Supplementary, amending, decreasing and increasing appropriations from State Road Fund to DOT.	559	686		830	1633	559, 742, 789-790, 829-830, 2654, 2674
525-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Making supplementary appropriation of federal funds to various accounts.	559	686	2280	831, 2281	2280	560, 742, 790, 830-831, 2280-2281, 2655, 2674
526-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Making supplementary appropriation of federal funds to DHHR, Division of Human Services-Temporary Assistance for Needy Families.	560	686		832	1633	560, 742, 790, 832-833, 2655, 2674
*527-	By Senators Palumbo, Cann and McCabe: Relating to process of filling vacancies in certain elected offices.	560	984-986	2590-2607	1056, 2607	2590	561, 986, 1027-1028, 1056-1057, 2590-2607, 2670, 2677
528-	By Senators McCabe, Cann, Edgell, Miller, Palumbo, Tucker, Walters, Wells, Kessler (Mr. President) and Williams: Computing local county share of public education library funding.	561					561

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
529-	By Senators Kirkendoll, Cann and Tucker: Requiring county commission be advised before discharging certain county employees.	561					561
530-	By Senators Kirkendoll, Cann, Jenkins, Tucker, Stollings and McCabe: Authorizing circuit and magistrate courts place surcharge on bail bonds to offset regional jail costs.	561					562
531-	By Senators Kirkendoll, Cann, D. Hall, Tucker, Chafin and Fitzsimmons: Providing elected county official receive raise based on Consumer Price Index.	562					562
532-	By Senators Walters, Chafin and Fitzsimmons: Prohibiting certain corporations engaging in predispute binding arbitration from receiving stat funding contracts or purchasing agreements.	562					562
*533-	By Senators Miller, Jenkins, Palumbo and Wells: Modifying definitions of "domestic battery" and "domestic assault".	562	940		1057		562, 976, 1028, 1057
*534-	By Senator Palumbo: Correcting internal code reference regarding insurance information disclosure.	563	682-683		833	1633	563, 743, 790, 833-834, 2664, 2674
*535-	By Senators Palumbo, Wells, McCabe and Fitzsimmons: Relating to process for maintaining voter registration lists.	563	714-716	2282-2303	869, 2304	2281	563, 792, 836, 869-870, 2281-2304, 2670, 2677
536-	By Senators Blair, Barnes, Carmichael, Cole, M. Hall, Nohe and Walters: Prohibiting public officials and employees from using public funds for self promotion.	563					564
537-	By Senators Plymale, Jenkins, D. Hall, Unger, Cann, McCabe and Chafin: Creating Library Facilities Improvement Fund.	564	899				564, 900

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*538-	By Senator Palumbo, Laird, Miller and Fitzsimmons: Relating generally to disposition of domestic violence orders.	564	714-716	2304-2306	870, 2307	2304	564, 792, 836, 870, 2304-2307, 2664, 2674
539-	By Senators Sypolt, Barnes, Blair, Carmichael, Cole, M. Hall, Nohe, Walters and Williams: Excluding certain veteran disability income when calculating spousal support.	581					581
*540-	By Senators Kessler (Mr. President), Edgell, Fitzsimmons, Yost and Beach: Permitting Ohio County and Monongalia County commissions levy special district excise tax.	581	686-687				581, 687
541-	By Senators Laird, Chafin, Green, D. Hall, M. Hall, Kirkendoll, Tucker, Yost, Kessler (Mr. President), Stollings and Plymale: Increasing compensation of certain county officials.	581					581
*542-	By Senators Snyder, Kessler (Mr. President), Barnes, Blair, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Kirkendoll, Laird, Miller, Unger and Yost: Relating to restricted races at pari-mutuel thoroughbred horse racetracks.	582	852		1021	1633	582, 853, 929-930, 973, 1020-1021, 2659, 2675
*543-	By Senators Snyder and Stollings: Allowing Legislative Auditor establish application review fee schedule.	582	941		1058		582, 976, 1028, 1057-1058
*544-	By Senators Snyder and Stollings: Scheduling departmental performance reviews.	582	687-688		834	1633	582, 743, 790, 834, 2659, 2674
545-	By Senators Facemire, Edgell, Green, Kirkendoll, Snyder, Tucker, Kessler (Mr. President) and D. Hall: Authorizing excess election contributions be used to pay previous campaign debt or loans.	582					583
546-	By Senators Green, Unger, Williams, D. Hall and Beach: Requiring appointment of State Superintendent of Schools be with advice and consent of Senate.	583					583

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
547-	By Senator Barnes: Authorizing circuit and magistrate courts place surcharge on bail bonds to offset regional jail costs.	583					583
548-	By Senator Barnes: Requiring county commission be advised before discharging certain county employees.	583					583
549-	By Senators Barnes, Blair, Boley, Sypolt and Carmichael: Providing WV will not participate in REAL ID Act of 2005.	583					584
550-	By Senators Cole, Fitzsimmons, D. Hall, Kirkendoll, Miller, Nohe, Walters, Kessler (Mr. President) and Unger: Relating to motor vehicle valuation for ad valorem property tax purposes.	584					584
551-	By Senators Miller, Barnes, Beach, Cookman, Fitzsimmons, Jenkins, Kirkendoll, Laird, McCabe, Snyder, Wells, Williams, Yost, Unger and Stollings: Applying solar energy tax credit to each system installation; extending credit date.	596	719				596, 720
552-	By Senators Tucker, Chafin, Nohe, Palumbo, Sypolt, Wells, McCabe, Fitzsimmons, Plymale and Stollings: Creating Uniform Real Property Electronic Recording Act.	596	942, 986		1059		597, 943, 1028, 1058-1059
**553-	By Senators Beach, McCabe, Miller and Stollings: Relating to Highway Design-Build Program.	597	688, 943		1059	1634	597, 689, 976, 1028, 1059-1060, 2659, 2675
554-	By Senators Carmichael and Blair: Creating Intermediate Court of Appeals.	598					598
555-	By Senators Carmichael, Sypolt and Blair: Creating loser-pays civil justice system.	598					598

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*556-	By Senators Williams, Beach, Cann, Cole, Green, Jenkins, Kirkendoll, Snyder, Sypolt and Stollings: Relating to broadband deployment projects.	599	963				599, 964
*557-	By Senators Yost, Kessler (Mr. President), Fitzsimmons and Stollings: Continuing Preventive Care Pilot Program.	599	941	1634-1636	1061, 1636	1634	599, 976-977, 1028, 1060-1061, 1634-1637, 2660, 2674
558-	By Senators Walters, Barnes, Blair, Boley, Carmichael, Cole, M. Hall, Nohe, Sypolt, Cookman and Stollings: Exempting certain military service members from training course requirement for concealed weapons license.	599					600
559-	By Senators Palumbo, Cookman, Stollings, Fitzsimmons and Miller: Expanding circuit court jurisdiction over certain juvenile status offenders.	600					600
560-	By Senators Palumbo, McCabe, Wells, Walters, D. Hall, Unger, Beach, Williams and Stollings: Relating to WV Research Trust Fund.	600					600
561-	By Senators Williams, Unger, Sypolt and Miller: Establishing Tucker County Cultural District Authority.	600	986-987		1126	1637	601, 1032, 1072, 1126-1127, 2660, 2674
562-	By Senators D. Hall, Chafin, Green, Miller, Tucker, Fitzsimmons and Stollings: Decreasing student-to-teacher ratio and increasing pay for certain aides.	601					601
*563-	By Senators Palumbo and Snyder: Excluding jewelry platinum, gold, silver and palladium from definition of "scrap metal".	601	853		1021		601, 929-930, 973, 1021-1022
*564-	By Senator Snyder: Increasing minimum construction cost of municipal public works project before competitive bidding is required.	660	942-942	2465	1062, 2466	2464-2465	660, 977, 1028-1029, 1061-1062, 2464-2466, 2664, 2675

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*565-	By Senator Snyder (By Request): Creating reverse auction pilot program for purchasing office supplies.	660	720		871		661, 792, 836, 870-871
566-	By Senator Snyder: Permitting certain municipalities opt into rate regulation by PSC.	661					661
567-	By Senators Walters and D. Hall: Defining "no significant additional fiscal burden" in minimum criteria for certificate of need reviews.	661					661
568-	By Senators Palumbo, Cookman, Stollings, Unger, Yost, Plymale, Fitzsimmons, McCabe and Miller: Allowing certain expelled students participate in Juvenile Drug Court.	662					662
*569-	By Senators Green, McCabe, Beach, Williams, Miller and D. Hall: Requiring appointment of State Fire Marshal be with advice and consent of Senate.	662	900		1062		662, 900, 977, 1029, 1062-1063
*570-	By Senators Beach, Miller, D. Hall and Wells: Cleaning up outdated language in code relating to elections.	662	756		918		662, 838, 875, 918-919
571-	By Senators D. Hall and Green: Extending time Oceana City Council can meet as levying body.	663	721		793	1278	663, 792-794, 2637, 2673
572-	By Senator Cookman: Relating to claims against counties, school districts or municipalities.	663					663
573-	By Senator Cookman: Relating to publication of financial statements by county boards of education.	663					663
574-	By Senators Kessler (Mr. President), Beach, Chafin, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Laird, Miller, Snyder, Stollings, Unger, Yost, Plymale, Cookman and Wells: Creating WV Buy American Act of 2013.	690					690

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*575-	By Senators McCabe, Edgell, Walters, Wells, Kessler (Mr. President), Unger and Miller: Relating to county boards of education funding of public libraries.	690	987				690, 988
576-	By Senators Jenkins, McCabe, Kessler (Mr. President), Plymale, Chafin and D. Hall: Transferring moneys from Unclaimed Property Trust Fund to Municipal Pensions and Protection Fund.	690	806				691, 806
577-	By Senators Beach, Blair, Cann, Carmichael, Cole, Cookman, Edgell, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Prezioso, Snyder, Tucker, Unger, Walters, Wells, Williams, Yost, Stollings, Kessler (Mr. President) and Plymale: Allowing special needs students to participate in graduation ceremonies.	691					691
578-	By Senators Beach and Plymale: Requiring proof of insurance for motor vehicle registration.	691	901				692, 901
*579-	By Senators Beach, Miller and D. Hall: Updating code relating to absentee and early in-person voting.	692	892-894		1063		692, 977, 1029, 1063
*580-	By Senator Stollings: Relating generally to practice of dentistry.	692	988, 1088	2482-2541	1191, 2541	1637, 2616	693, 988, 1089, 1141, 1191-1192, 1637-1638, 1733-1734, 2394, 2482-2541, 2670, 2677
581-	By Senators Kirkendoll, Kessler (Mr. President), Beach, Barnes and Fitzsimmons: Relating to certain civil action filing fees.	693					694
582-	By Senators Palumbo, Carmichael, Cole, Cookman, M. Hall, Jenkins, Stollings, Tucker and Williams: Implementing terms of Uniform Arbitration Act.	694	942, 989		1127		695, 943, 1029, 1072, 1127-1128
*583-	By Senator Kirkendoll: Extending time limit for payment of transfer costs to EMS Retirement System.	695	806				695, 807

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*584-	By Senators Cann, Green, Wells, Walters, Palumbo, Laird, Miller, Tucker, Snyder, Kessler (Mr. President), Kirkendoll, Stollings, Cookman, Plymale and Fitzsimmons: Creating Pretrial Release Program.	695	714-716		872		696, 794, 836, 871-872
585-	By Senator Palumbo, Cookman and Kessler (Mr. President): Maintaining residential rental property in habitable condition.	696					696
*586-	By Senators Plymale, Prezioso, Snyder and Beach: Relating to licensure of barbers and cosmetologists.	721	989-990	1128, 2307-2320	1129, 2321	2307	721, 990, 1032, 1072, 1128-1129, 2307-2321, 2670, 2677
587-	By Senators Palumbo, Jenkins, McCabe, Prezioso and Stollings: Adopting several liability in tortious conduct actions.	721					722
588-	By Senators Yost, Kessler (Mr. President), Edgell, Unger and Fitzsimmons: Requiring bonding for residential construction projects.	722					722
589-	By Senators Kessler (Mr. President), Cookman, Jenkins, Nohe, Palumbo, Williams, Tucker, Fitzsimmons and Plymale: Establishing ethical standards for court reporters.	722					722
590-	By Senators Beach, Kessler (Mr. President), Edgell, Tucker and Williams: Relating to sale of certain beer, wine and liquor.	723					723
591-	By Senator Carmichael: Creating WV Infrastructure Emergency Response Act of 2013.	723					723
592-	By Senators Tucker, Palumbo, Kessler (Mr. President) and Plymale: Removing requirement Physicians' Mutual Insurance Company be nonprofit corporation.	724	854, 944		1084		724, 854, 977, 1029, 1064-1065

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
593-	By Senators Stollings, Prezioso, McCabe, Kessler (Mr. President) and Palumbo: Increasing excise tax on cigarettes and tobacco products.	724					724
*594-	By Senator Kessler (Mr. President): Establishing Court of Claims procedure for unjust arrest, conviction or imprisonment claims.	724	1002-1003		1193		724, 1074, 1141, 1192-1193
595-	By Senators Miller, Beach and Stollings: Permitting surface owners to purchase delinquent mineral interests.	724					725
596-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Determining grant awards for Chesapeake Bay and Greenbrier River watershed compliance projects.	725	901	2322	1022, 2322	2321-2322	725, 902, 974, 1022-1023, 2321-2322, 2671, 2677
597-	By Senator Unger: Permitting county boards of education to sell advertising on school bus exteriors.	764					765
598-	By Senators Kirkendoll, Snyder, Williams, Stollings and Plymale: Qualifying certain NPDES permit holders for Environmental Quality Board membership.	765					765
599-	By Senators Edgell, Miller, Kirkendoll, Green, Unger and Kessler (Mr. President): Expanding number of hours temporary state personnel may work.	765	902, 1084		1193		765, 902, 1084, 1141, 1193-1194
600-	By Senators Yost, Edgell, Barnes, Facemire and Cann: Establishing one-time audit cost amnesty program for local governments with delinquent audit costs.	765					766
601-	By Senators Cookman, Walters and Stollings: Relating generally to juvenile offenders.	766	897	2466-2472	1065, 2472	2466	766, 977, 1029, 1065, 2466-2472, 2665, 2674

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
602-	By Senators Yost and Fitzsimmons: Authorizing DOH increase gross weight limitations on certain Brooke County roads.	766					766
603-	By Senators Walters, Palumbo and Wells: Relating to licensed school psychologist-to-pupil ratio.	766					766
*604-	By Senators Kessler (Mr. President) and Fitzsimmons: Expanding definition of "electioneering communication".	766	944		1066	2036	767, 977-978, 1030, 1065-1066, 2660, 2675
605-	By Senators Edgell, Facemire, Prezioso and Plymale: Eliminating duplicative reporting requirements on imported cigarettes.	767					767
606-	By Senators Cookman, Tucker, Laird, D. Hall, Carmichael, Walters, Plymale and Kessler (Mr. President): Awarding attorney fees in certain workers' compensation medical treatment cases.	767					767
607-	By Senator Wells: Prohibiting certain noncompetition clauses in broadcast industry employee contracts.	767					767
608-	By Senator Walters: Relating to animal protection in shelters.	767					768
609-	By Senators Laird, Cookman, Miller, Snyder, Stollings, Wells, Yost, Plymale, Fitzsimmons and Jenkins: Implementing responsible parent program pilot project.	768					768
*610-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Renaming Industrial Home for Youth as Salem Correctional Center; placing Salem and Parkersburg correctional centers under Division of Corrections.	768	990-991				768, 1032, 1072, 1129, 1194

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
611-	By Senators Snyder, Kirkendoll, Tucker, Chafin, Palumbo, Wells, Nohe and Sypolt: Updating Uniform Common Interest Ownership Act.	768					769
612-	By Senator Barnes: Prohibiting certain public employee retirants from being reemployed within one year of retirement.	769					769
613-	By Senator Barnes: Reclassifying buprenorphine as Schedule III controlled substance.	769					769
614-	By Senators Barnes and McCabe: Allowing local option election to permit Sunday hunting on private property.	769					770
*615-	By Senator Kessler (Mr. President): Amending table game license renewal fee for pari-mutuel racetracks.	770	1003, 1144	1144- 1161, 1197	1197		770, 1004, 1144-1161, 1194, 1197-1198
616-	By Senator McCabe: Integrating interests in horizontal shallow oil or gas well drilling units.	770					770
617-	By Senator Carmichael: Increasing DUI criminal penalties; Andrea's Law.	770					771
618-	By Senator Carmichael: Creating Tax Revenue Act of 2013.	771					771
619-	By Senator Carmichael: Relating to disqualification for unemployment benefits as result of strike.	771					771
620-	By Senator Snyder: Requiring state agencies, boards, commissions and entities give tests regionally.	771					771
621-	By Senators Miller, Laird and Snyder: Requiring Bureau for Public Health prepare impact statement assessing impact of any new air or water rule proposed by DEP.	772					772

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
622-	By Senators Kessler (Mr. President), Green, Kirkendoll, Barnes, Cann, Facemire, Miller, D. Hall, Boley, Carmichael, Chafin, Edgell, Fitzsimmons, M. Hall, Stollings, Sypolt, Tucker, Walters, Wells, Williams, Yost, Unger, McCabe, Palumbo and Jenkins: Providing WVU and MU boards of governor additional authority and flexibility.	772					773, 876, 1199
623-	By Senators Plymale, Chafin, Cole, Stollings, Cookman, Cann and Jenkins: Relating to funding for probation officers to address truancy.	773	903, 992		1130	2037	773, 903, 1032, 1073, 1130-1131, 2037-2043, 2133
*624-	By Senators Palumbo, Cookman, Stollings, Barnes, Kessler (Mr. President) and Fitzsimmons: Adjusting penalties for willful failure to pay child support.	773	992		1131		774, 1032, 1073, 1131
625-	By Senator Plymale: Relating to payment of claims against counties, school districts or municipalities.	774					774
626-	By Senator Miller: Creating criminal offense for law-enforcement or EMS personnel creating visual portrayal of certain victims.	808					809
627-	By Senators Beach, Laird, Unger and Williams: Requiring certain post-mining land use reclamation utilize Clements State Tree Nursery.	809	888				809, 888
*628-	By Senators Plymale, Kessler (Mr. President), Chafin, Jenkins, Cann, D. Hall, Miller and Cookman: Authorizing Supreme Court establish pilot program to appoint probation officers to address truancy.	809	957-959				809, 959
629-	By Senators Facemire, Kessler (Mr. President) and Plymale: Limiting liability of landowners, operators and contractors in water pollution abatement projects.	809	903				810, 904

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*630-	By Senator Unger: Relating to Chief Technology Officer's duties with regard to security of government information.	810	990-991		1132	2630	810, 1032, 1073, 1131-1132, 2671, 2677
631-	By Senators Unger and McCabe: Providing bonding authority to Affordable Housing Trust Fund.	810	935				810, 935
632-	By Senators Green, Cann, D. Hall and Stollings: Creating emergency generators tax credit for certain businesses.	810					811
633-	By Senators Chafin, Kessler (Mr. President), Edgell, Green, D. Hall, M. Hall, Laird, Miller and Plymale: Relating to residential community waivers for salvage yard establishment.	811					811
634-	By Senator Chafin: Imposing tax on telecommunications businesses to benefit Division of Tourism's promotion and maintenance of outdoor activities.	811					811
635-	By Senators Cole and Chafin: Permitting landlord to terminate lease on multitenant commercial property under certain circumstances.	811					811
636-	By Senator Laird: Limiting amount municipalities can receive from certain speeding violation fines.	812					812
637-	By Senators M. Hall, Barnes and Carmichael: Limiting medical monitoring in civil actions concerning hazardous or toxic substances.	812					812
*638-	By Senators Prezioso and Plymale: Terminating certain severance tax exemption for production of natural gas or oil.	812	904, 993	1278	1133, 1279	1278	812, 904, 1032, 1073, 1132-1133, 1278-1279, 2637, 2673
639-	By Senator M. Hall: Prohibiting state resident from being joined with nonresident as defendant in certain civil actions.	812					813

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
640-	By Senators Fitzsimmons, Cookman, Walters, Yost, Unger and Plymale: Revising definition of "obscene matter" to contain specific matter harmful to minors.	813					813
641-	By Senators Fitzsimmons, Palumbo, Tucker, Yost and Williams: Increasing compensation caps for family court secretary-clerks and case coordinators.	813					813
642-	By Senator Carmichael: Relating to requirement of professional engineer serving on sanitary board.	813					813
*643-	By Senators Unger, Kessler (Mr. President) and Laird: Relating to crime victim compensation awards.	813	994				814, 995
644-	By Senators Barnes, Carmichael and Wells: Creating WV Public Competitive Learning Academies Act of 2013.	814					814
645-	By Senators Facemire and Cann: Relating to fair and equitable property valuation.	814					815
646-	By Senators Palumbo, Prezioso, Fitzsimmons, Cookman, McCabe and Plymale: Creating felony offense for DUI causing death.	815					815
647-	By Senators Wells and Jenkins: Allowing WV Military Authority receive funds from special revenue accounts.	815					815
648-	By Senators Plymale, Chafin, Jenkins, Cann and Stollings: Providing students financial aid for certain degree in return for state service commitment.	815	995				816-995
649-	By Senators Edgell, Facemire and Prezioso: Requiring certain tobacco product manufacturers not participating in Tobacco Master Settlement Agreement to post bond.	816					816

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
650-	By Senators Williams, Chafin and Plymale: Updating code language relating to electronic voting systems.	816					816
651-	By Senator Walters: Allowing state agencies to keep portion of surplus funds for employee bonuses.	816					816
652-	By Senators Snyder, Jenkins, Boley and Tucker: Requiring criminal background checks for home inspector applicants.	816	904	1066-1067, 2473	1066, 2473	2472	817, 978, 1030, 1066-1067, 2472-2474, 2671, 2676
653-	By Senators Kessler (Mr. President), Unger, Plymale, Snyder, Prezioso, Edgell, Palumbo, Facemire, Cann, Jenkins, Williams and Stollings: Establishing job creation work groups.	817	945				817, 978
654-	By Senators Miller, D. Hall, Cann, Green, Laird and Jenkins: Increasing salaries of Division of Corrections' employees.	817					817
655-	By Senator Beach: Creating Safe and Efficient Parkways Act.	817					818
*656-	By Senators Snyder, Fitzsimmons, Yost, Prezioso and Stollings: Establishing special study committee to assess problems facing gaming industry.	818	1089		1195		818, 1090, 1141, 1194-1195
657-	By Senators Laird, Wells, Beach, Miller, Jenkins and D. Hall: Providing school social workers salary supplement and education reimbursement for achieving national certification.	818					818
658-	By Senators Stollings and Plymale: Extending time for Madison City Council to meet as levying body.	818	905		906	1638	818, 905-907, 2660, 2675
659-	By Senators Beach, Sypolt, Boley, d. Hall, Green, Williams and Kessler (Mr. President): Requiring National Flood Insurance Program State Coordinator establish permit fees for certain project applications.	819					819

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
660-	By Senators Unger, Kessler (Mr. President) and Fitzsimmons: Limiting health insurance coverage for elective abortions to supplemental policies.	819					819
661-	By Senators Walters and Stollings: Creating TANF pilot program to promote educational achievement.	819					820
662-	By Senators Miller, Williams, Beach, Cann, Carmichael, Cookman, D. Hall, Laird, Nohe, Sypolt and Tucker (Originating in Senate Agriculture and Rural Development): Establishing cap for collections into Department of Agriculture's land division special revenue account.	854	854				855
663-	By Senators Unger, Edgell, Cookman, Laird, Miller, Palumbo, Plymale, Prezioso, Stollings, M. Hall and Barnes (Originating in Senate Select Committee on Children and Poverty): Creating WV Feed to Achieve Act.	945-946	945-946	2323-2332	1024, 2333	2323	946, 974, 1023-1024, 2323-2333, 2671, 2677
664-	By Senators Prezioso, Facemire, Chafin, Edgell, Green, Laird, McCabe, Plymale, Stollings, Unger, Wells, Yost, Barnes, Blair, Boley, M. Hall and Sypolt (Originating in Senate Finance): Decreasing appropriations of public moneys in State Fund, General Revenue.	1090-1092	1090-1092	2334	1196, 2334	2333	1092, 1141, 1195-1196, 2333-2335, 2655, 2674
665-	By Senators Prezioso, Facemire, Chafin, Edgell, Green, Laird, McCabe, Plymale, Stollings, Unger, Wells, Yost, Barnes, Blair, Boley, M. Hall and Sypolt (Originating in Senate Finance): Expiring funds from State Fund, General Revenue, and making supplementary appropriation to Attorney General and DHHR, Consolidated Medical Service Fund.	1316	1316		1670		1444, 1507, 1669-1670

Number	TITLE OF SENATE JOINT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	Readopted by Senate	OTHER PROCEEDINGS
1	By Senator Sypolt: Proposing constitutional amendment designated Marriage Protection Amendment.	102						103
2	By Senators Sypolt, Blair, Jenkins and Unger: Proposing constitutional amendment designated Homestead Exemption Increase Amendment.	103						103
3	By Senators Sypolt and Blair: Proposing constitutional amendment designated Initiative, Referendum and Recall Amendment.	103						103
4	By Senator Sypolt: Proposing constitutional amendment designated Veto Session Amendment.	103						104
5	By Senator Barnes: Proposing constitutional amendment designated Religious Freedom Guaranteed Amendment.	158						159
6	By Senators Snyder, Unger, Cookman, Miller and Stollings: Proposing constitutional amendment designated Homestead Exemption Calculation Amendment.	292						292
7	By Senators Chafin and Plymale: Proposing constitutional amendment designated Simple Majority Approval Amendment.	348						348
8	By Senators Unger, Snyder, Cookman, Miller and Laird: Proposing constitutional amendment designated Nonpartisan Election of State Board of Education Amendment.	564						565
9	By Senator Wells: Proposing constitutional amendment designated Organization of Houses of the Legislature Amendment.	774						774

Number	TITLE OF SENATE JOINT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	Readopted by Senate	OTHER PROCEEDINGS
10 –	By Senator Wells: Proposing constitutional amendment designated Veto Session Amendment.	774						774

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
1 –	By Senators Kessler (Mr. President), Unger and M. Hall: Adopting joint rules of Senate and House.	41			41	44	41
2 –	By Senators Kessler (Mr. President), Prezioso and M. Hall: Authorizing payment of supplies, services, printing and other expenses.	41-42			42	44	42
3 –	By Senators Stollings and Kirkendoll: Requesting DOH name bridge in Boone County “Army Sergeant Junior Elwood Dunlap Memorial Bridge”.	218	309		310	457	219, 244, 310
4 –	By Senators Stollings, Green, D. Hall and Kirkendoll: Requesting DOH name bridge in Boone County “James ‘Eddie’ Mooney Memorial Bridge”.	219- 221	309		310	457	221, 244, 310
*5 –	By Senators Yost and Edgell: Requesting DOH name bridge in Wetzel County “Army Sgt. Norman R. Cunningham Memorial Bridge”.	221- 223	310- 312	458	337, 458	457	223, 245, 337-338
6 –	By Senators Kirkendoll, Beach, Cann, Chafin, Cole, Edgell, D. Hall, Jenkins, McCabe, Miller, Plymale, Stollings, Kessler (Mr. President), Unger and Yost: Requesting DOH name bridge in Wayne County “Wayne County Veterans Memorial Bridge”.	238	309		310	458	239, 254, 310
7 –	By Senators Unger, D. Hall, Yost, Fitzsimmons, Beach, Tucker and Williams: Designating, Hall Flintlock Model 1819 official state firearm.	253	556		586	1256	254, 278, 586-587
*8 –	By Senators Laird, Miller and Unger: Requesting DOH name portion of Route 38 in Fayette County “Sizemore Moran Veterans Memorial Road”.	267	518- 526		526	1033	268, 294, 526

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
9 –	By Senators Stollings, Kirkendoll and Unger: Requesting DOH name bridge in Boone County “Naval Chief Boatswain Fred L. Byrnside and Army Captain Dora Jo Chambers Byrnside Memorial Bridge”.	268-271	428-429		429	1256	271, 294, 429
*10 –	By Senators Stollings, Kirkendoll and Unger: Requesting DOH name bridge in Lincoln County “Shelton Topping Bridge”.	271-273	518-526		526	2043-2044	273, 294, 526
11 –	By Senators Stollings, Kirkendoll and Unger: Requesting DOH name portion of State Route 214 “Army Pvt. Parker Meikle Memorial Road”.	273-275	428-429		429	1279-1280	275, 294, 429
12 –	By Senators Stollings, Kirkendoll and Unger: Requesting DOH name section of Lick Creek Road in Boone County “PFC Randall Bruce Miller Memorial Road”.	275	428-429		429	1280	276, 294-295, 429
*13 –	By Senators Cann, Facemire, Williams, Chafin and McCabe: Requesting DOH name bridge in Lewis County “J. Cecil Jarvis Memorial Bridge”.	334-336	518-526		526	1256	336, 354, 526
14 –	By Senators Cann, Barnes, Cookman, Facemire, McCabe, Tucker, Williams and Stollings: Requesting DOH name portion of State Route 20 in Upshur County “Thomas B. Dunn Memorial Highway”.	349-351	526		527	997	352, 371, 527
*15 –	By Senators Kirkendoll, Stollings, Beach and Plymale: Requesting DOH name Logan County Route 5/12 “Army Private First Class Troy Franklin Tomblin Memorial Highway”.	370	518-526		526	2044	371, 390, 526
16 –	By Senators Kirkendoll, Stollings, Unger and Green: Requesting DOH name County Route 5/07 in Logan County “Army PFC James Edward Workman Memorial Road”.	411-413	526		527	1638	413, 438, 527

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
17 –	By Senators Barnes, Cookman, Tucker, Stollings, Unger and Plymale: Requesting DOH name bridge in Randolph County “Army Captain Bernard Francis Jones Memorial Bridge”.	435	807		808	1638	436, 455, 808
*18 –	By Senators Chafin, Yost, Green and Stollings: Requesting DOH name portion of State Route 20 in Wyoming County “David and Janet Lee Memorial Highway”.	468-470	1037-1039		1039	1280	470, 492-493, 1039
19 –	By Senators Walters, Carmichael, Cole, Fitzsimmons, McCabe, Palumbo, Snyder, Sypolt, Well, Yost, Kessler (Mr. President), Unger and Stollings: Requesting DOH name bridge in Kanawha County “U. S. Army Sgt. Archie W. Searls Memorial Bridge”.	486-488	807		808	1638	488, 539, 808
*20 –	By Senators Chafin, Yost, Kessler (Mr. President), Unger, Stollings and D. Hall: Requesting DOH name portion of State Route 80 in McDowell County “Army PFC Phill G. McDonald Memorial Highway”.	488-491	1004-1011		1011	2044	491, 539, 1011
21 –	By Senators Kirkendoll, Stollings, Unger and Plymale: Requesting DOH name bridge in Logan County “Navy Lieutenant, Junior Grade, Edsel Carl Varney Memorial Bridge”.	565-567	807		808	1638	567, 587, 808
*22 –	By Senators McCabe, Palumbo, Walters, Wells, Unger and Stollings: Requesting DOH name bridge in Kanawha County “Joseph Albert ‘Joey’ King, Jr., Memorial Bridge”.	601-603	1004-1011		1011	1639	603, 667, 1011
23 –	By Senators D. Hall, Chafin, Green, Unger, Cole and Stollings: Requesting DOH name bridge in Wyoming County “Reverend Edward and Mary Mullins Memorial Bridge”.	603-605	1011-1012		1013	1639	605, 667, 1012-1013

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
24 –	By Senators Palumbo, Chafin, Stollings, Unger, McCabe and Wells: Requesting DOH name portion of U. S. Route 60 in Kanawha County “Lou Tabit Highway”.	663-665	1011-1012		1013	1639	665, 698, 1012-1013
25 –	By Senator Unger: Requesting Joint Committee on Government and Finance study distributed electricity generation technologies.	696-698					698, 736
26 –	By Senators Kessler (Mr. President), Stollings, Yost, Fitzsimmons and Wells: Supporting commitments made to Patriot Coal employees.	725-727					727, 786
27 –	By Senators Miller, Laird, Wells and Beach: Designating “My Home Among the Hills” official state song.	727-729					729, 786
28 –	By Senators Stollings, Edgell, Kirkendoll and Beach: Requesting DNR study making Upper Mud River Wildlife Management and Recreation Area a state park.	775-777	2612		2612	2630	777, 823, 2612
29 –	By Senators Wells, McCabe, Palumbo, Walters and Stollings: Requesting DOH name bridge number 20-64-54.37 “Army Cpl. Kenneth R. Hess Bridge”.	778	1004-1011		1011	2044	779, 823, 1011
30 –	By Senators D. Hall, Green and Stollings: Requesting DOH name bridge in Wyoming County “Army SP4 Jackie (Hearn) McMillion Memorial Bridge”.	779-781	1011-1012		1013	2044	781, 823-824, 1012-1013
31 –	By Senators Kessler (Mr. President), Edgell, Beach and Plymale: Requesting DOH place signs at Tyler County line reading “Home of the 2011 FFA National Champions”.	781					782, 824

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
32 –	By Senators Beach and Williams: Requesting DOH name bridge in Monongalia County “U. S. Army and Air National Guard Col. Garry L. Bowers-Ices Ferry Bridge”.	820	1011- 1012		1013	2044	821, 863, 1012-1013
33 –	By Senators Unger and Stollings: Requesting Joint Committee on Government and Finance study safety, roles and responsibilities of the WV Deputy Sheriff Reserve.	855					856, 910
34 –	By Senators Chafin, Stollings, Plymale, Jenkins and Cole: Requesting DOH name bridge in Wayne County “Mavis Granny Castle Bridge”.	856	1011- 1012		1013	1280	857, 910, 1012-1013
35 –	By Senators Miller, Williams, Beach, Cann, Cookman, D. Hall, Laird, Tucker, Carmichael, Nohe and Sypolt (Originating in Senate Agriculture and Rural Development): Requesting Joint Committee on Government and Finance study aging watershed dams and channels.	860- 863	860- 863, 1596- 1597		1597		863, 1597
36 –	By Senators Boley, Barnes, Blair, Carmichael, Cole, M. Hall, Nohe, Sypolt and Walters: Requesting Joint Committee on Government and Finance study impact of Common Core State Standards on public education.	1039- 1040					1041, 1114
*37 –	By Senators Williams, Stollings,, Sypolt, ‘hacker and Cookman: Requesting DOH name bridge in Hardy County “Army 1SG Boyd ‘Doc’ Slater Memorial Bridge”.	1103- 1106	1366- 1368		1424	2630	1106, 1170, 1424
38 –	By Senators Beach, Stollings and Plymale: Requesting Joint Committee on Government and Finance study Moving Ahead for Progress in 21st Century program.	1106	1317, 1596- 1597		1597		1107, 1171, 1317, 1597

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
39 –	By Senators Chafin, Blair, Carmichael, Cole, Green, D. Hall, McCabe, Miller, Walters, Stollings and Unger: Requesting Joint Committee on Government and Finance study tax system.	1166-1167					1167, 1253
40 –	By Senators M. Hall, Barnes, Blair, Boley, Carmichael, Cole, Sypolt and Walters: Requesting Joint Committee on Government and Finance study Taxpayer Bill of Rights.	1167					1168, 1254
41 –	By Senators Williams and Green (Originating in Senate Economic Development): Requesting Joint Committee on Government and Finance study critical access need for emergency electric generators.	1234-1235	1234-1235, 1596-1597		1597		1235, 1597
42 –	By Senators Snyder, Cann, Cookman, Fitzsimmons, Kirkendoll, Williams, Yost, Blair, Boley, Cole and Sypolt (Originating in Senate Government Organization): Requesting Joint Committee on Government and Finance study state's purchasing process and procedures.	1236-1237	1236-1237, 1642		1643		1237, 1643
43 –	By Senators Snyder, Cann, Cookman, Fitzsimmons, Kirkendoll, Williams, Yost, Blair, Boley, Cole and Sypolt (Originating in Senate Government Organization): Requesting Joint Committee on Government and Finance study feasibility of regional testing for examinations by state agencies, boards, commissions and entities.	1237-1238	1237-1238				1238
44 –	By Senators Williams, Laird, Unger, Kessler (Mr. President), D. Hall, Snyder, Jenkins, McCabe and Stollings: Requesting Joint Committee on Government and Finance study safeguarding older West Virginians against abuse, fraud and financial exploitation.	1335-1337					1337, 1424

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
45 –	By Senators Tucker, Fitzsimmons, Chafin, Facemire, D. Hall, Jenkins, McCabe, Palumbo, Prezioso, Nohe and Walters (Originating in Senate Banking and Insurance): Requesting Joint Committee on Government and Finance study financial solvency of volunteer and part-volunteer fire departments.	1341-1342	1341-1342				1342
46 –	By Senators Miller, Williams, Beach, Cann, Carmichael, Cookman, D. Hall, Laird, Nohe, Sypolt and Tucker (Originating in Senate Agriculture and Rural Development): Requesting Joint Committee on Government and Finance study distribution of power to rural communities.	1343-1346	1343-1346				1346
47 –	By Senators Miller, Williams, Beach, Cann, Carmichael, Cookman, D. Hall, Laird, Nohe, Sypolt and Tucker (Originating in Senate Agriculture and Rural Development): Requesting Joint Committee on Government and Finance study cultivation of meat processing industry.	1343-1346	1343-1346				1346
48 –	By Senators Unger, Edgell, Cookman, Laird, Miller, Palumbo, Stollings and M. Hall (Originating in Senate Select Committee on Children and Poverty): Requesting Joint Committee on Government and Finance study availability of affordable housing.	1346-1348	1346-1348, 1596-1597		1597		1348, 1597
49 –	By Senators M. Hall, Blair, Boley, Carmichael, Cole, Nohe, Sypolt, Stollings and McCabe: Requesting Joint Committee on Government and Finance study impact of Limited Video Lottery Act on children and poverty.	1395					1396, 1503

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
50 –	By Senator Stollings (Originating in Senate Health and Human Resources): Requesting Joint Committee on Government and Finance study abuse deterrent formulations for opioid medications.	1403-1408	1403-1408, 1642		1643		1408, 1643
51 –	By Senator Stollings (Originating in Senate Health and Human Resources): Requesting Joint Committee on Government and Finance study needs, challenges and issues facing senior citizens in finding personal care services.	1403-1408	1403-1408, 1596-1597		1597		1408, 1597
52 –	By Senator Stollings (Originating in Senate Health and Human Resources): Requesting Joint Committee on Government and Finance study tobacco use.	1403-1408	1403-1408, 1642		1643		1408, 1643
53 –	By Senators Beach, Kirkendoll, Facemire, Fitzsimmons, McCabe, Plymale, Williams, Barnes and Cole (Originating in Senate Transportation and Infrastructure): Requesting Joint Committee on Government and Finance study disbursing portion of Turnpike tolls to host counties.	1408-1415	1408-1415				1415
54 –	By Senators Beach, Kirkendoll, Facemire, Fitzsimmons, McCabe, Plymale, Williams, Barnes and Cole (Originating in Senate Transportation and Infrastructure): Requesting Joint Committee on Government and Finance study consolidating definitions of “ATV” and similar vehicles for consistency in state code.	1408-1415	1408-1415				1415

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
55 –	By Senators Beach, Jenkins, Kirkendoll, Facemire, Fitzsimmons, McCabe, Plymale, Williams, Barnes and Cole (Originating in Senate Transportation and Infrastructure): Requesting Joint Committee on Government and Finance study consolidation of operations and functions of Parkways Authority within DOH.	1408-1415	1408-1415				1415
56 –	By Senators Beach, Kirkendoll, Facemire, Fitzsimmons, McCabe, Plymale, Williams, Barnes and Cole (Originating in Senate Transportation and Infrastructure): Requesting Joint Committee on Government and Finance study proposed Safe and Efficient Transportation Act of 2013.	1408-1415	1408-1415				1415
57 –	By Senators Laird, Edgell, Beach, Cookman, Facemire, Green, McCabe, Prezioso, Snyder, Williams, M. Hall, Nohe and Walters (Originating in Senate Natural Resources): Requesting Joint Committee on Government and Finance study how to maintain State Park System.	1415-1422	1415-1422				1422
58 –	By Senators Laird, Edgell, Beach, Cookman, Facemire, Green, McCabe, Prezioso, Snyder, Williams, M. Hall, Nohe and Walters (Originating in Senate Natural Resources): Requesting Joint Committee on Government and Finance study laws pertaining to use of firearms for hunting and recreational shooting enthusiasts.	1415-1422	1415-1422				1422

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
59 –	By Senators Laird, Edgell, Beach, Cookman, Facemire, Green, McCabe, Prezioso, Snyder, Williams, M. Hall, Nohe and Walters (Originating in Senate Natural Resources): Requesting Joint Committee on Government and Finance study laws applying to electrical standards for boat docks and marinas to improve safety.	1415-1422	1415-1422				1422
60 –	By Senators Laird, Edgell, Beach, Cookman, Facemire, Green, McCabe, Prezioso, Snyder, Williams, M. Hall, Nohe and Walters (Originating in Senate Natural Resources): Requesting Joint Committee on Government and Finance study feasibility of DNR entering into lease agreements for hunting and other outdoor recreational opportunities.	1415-1422	1415-1422				1422
61 –	By Senator Snyder (Originating in Senate Government Organization): Requesting Joint Committee on Government and Finance study economic and community development challenges associated with abandoned and dilapidated structures.	1422-1424	1422-1424				1424
62 –	By Senators Facemire, Plymale, Kessler (Mr. President), Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost: Urging Army Corps of Engineers and Federal Highways Administration respect state land use planning processes.	1458-1462			1462		1462

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
63 –	By Senators Kirkendoll, Kessler (Mr. President), Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost: Recognizing July 16 as “Atomic Veterans Day of Remembrance”.	1490-1492					1492, 1668-1669
64 –	By Senators Chafin, Cole, Stollings, Unger and D. Hall: Requesting DOH name portion of County Route 15 in Mercer County “River Road Music Heritage Trail”.	1492-1495					1495, 1669
65 –	By Senators Stollings, Yost, Wells, Unger, Williams, Prezioso, Kessler (Mr. President), D. Hall, Jenkins, Tucker and Fitzsimmons: Designating West Virginia as Purple Heart State.	1495					1496, 1669
66 –	By Senators D. Hall, Cann, Chafin, Facemire, Green, Kirkendoll, Snyder, Tucker, Stollings, Unger, Williams, Kessler (Mr. President), Wells and Plymale: Requesting Joint Committee on Government and Finance study insurance rates.	1497					1497, 1669
67 –	By Senators D. Hall, Cann, Chafin, Facemire, Green, Kirkendoll, McCabe, Plymale, Snyder, Stollings, Tucker, Unger, Williams, Prezioso, Kessler (Mr. President), Wells, Cole, Carmichael and Jenkins: Urging Congress support funding and completion of Coalfields Expressway and King Coal Highway.	1498					1499, 1669

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
68 –	By Senators Williams, Wells, Beach, Blair, Cann, Cookman, Kirkendoll, McCabe, Snyder, Stollings, Sypolt and Walters (Originating in Senate Economic Development): Requesting Joint Committee on Government and Finance study small business development.	1499-1503	1499-1503				1503
69 –	By Senators Williams, Cann, Beach, Blair, Cookman, Kirkendoll, McCabe, Snyder, Stollings, Sypolt, Walters and Wells (Originating in Senate Economic Development): Requesting Joint Committee on Government and Finance study West Virginia Project Launchpad Act.	1499-1503	1499-1503, 1642		1643		1503, 1643
70 –	By Senators Chafin, Stollings and Cole: Requesting DOH name bridge near Wayne/Mingo county line “Nancy E. May Memorial Bridge”.	1652					1653
71 –	By Senator Snyder (Originating in Senate Government Organization): Requesting Joint Committee on Government and Finance study transferring EMT-mining training and certification program.	1656-1657	1656-1657				1657
72 –	By Senators Snyder and Miller (Originating in Senate Government Organization): Requesting Joint Committee on Government and Finance study methods to increase salaries of elected county officials.	1657-1658	1657-1658				1659
73 –	By Senator Snyder (Originating in Senate Government Organization): Requesting Joint Committee on Government and Finance study bail bonding industry.	1659-1660	1659-1660				1660
74 –	(Originating in Senate Education): Requesting Joint Committee on Government and Finance study local funding of public libraries.	1660-1662	1660-1662				1662

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
75 –	(Originating in Senate Education): Requesting Joint Committee on Government and Finance study privately-owned licensed residential facilities for certain school-aged children.	1662-1664	1662-1664				1664
76 –	By Senators Cann, Barnes, Facemire, Green, D. Hall, Kirkendoll, McCabe, Tucker, Walters, Wells, Yost and Williams: Urging Congress to update Renewable Fuel Standard.	2445			2446	2630	2446
77–	By Senators Unger and Williams: Requesting Joint Committee on Government and Finance study alternative and renewable energy sources.	2446-2448					2448
78–	By Senators Snyder and Williams: Requesting Joint Committee on Government and Finance study authorizing PSC to oversee Internet service providers.	2448-2450					2450
79 –	(Originating in Senate Finance): Requesting Joint Committee on Government and Finance study equalization of magistrate pay.	2613-2614	2613-2614		2614		2614

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
1 –	By Senator Unger: Adopting rules of Senate.	6-28			28	28
2 –	By Senator Unger: Raising committee to notify House Senate has organized.	33-34			34	34
3 –	By Senator Unger: Raising committee to notify Governor Legislature has organized.	34			35	35
4 –	By Senator Prezioso: Authorizing mailing of bills and journals.	35			36	36
5 –	By Senators Prezioso and Unger: Authorizing appointment of 2013 session employees.	36-41			41	41
6 –	By Senators Unger, Kessler (Mr. President), Jenkins, Laird, Edgell, Stollings, Kirkendoll, Miller, McCabe and Beach: Creating Select Committee on Children and Poverty.	104			105	105
7 –	By Senators Stollings, Laird, Jenkins, Snyder, Miller, D. Hall, Sypolt, Kirkendoll, McCabe, Beach and Williams: Designating February 13, 2013, West Virginia Nurses Unity Day.	105			106	106
8 –	By Senators Laird, Miller, Unger, Yost, Fitzsimmons, Prezioso, Stollings, D. Hall, Jenkins, Beach and Palumbo: Designating February 14, 2013, Corrections Day.	121-123			123	123
9 –	By Senators Sypolt, Williams, Fitzsimmons, Yost, Prezioso, Miller, D. Hall, Jenkins, Stollings, Beach and Palumbo: Honoring Congressional Medal of Honor recipients.	123			124	124
10 –	By Senators Sypolt, Unger, Chafin, Miller, Wells, Plymale, Williams and Stollings: Designating February 18, 2013, Preston County Day.	159			160	160

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
11 –	By Senators Wells, Unger, Kessler (Mr. President), Fitzsimmons, Chafin, Beach, Miller, Laird, Williams, Plymale, Snyder, Jenkins and Stollings: Designating February 18, 2013, Veterans Visibility Day.	160			161	161
12 –	By Senators McCabe, Wells, Palumbo, Walters, Plymale, Laird, Miller, Stollings and Williams: Recognizing contributions of Clay Center for the Arts and Sciences.	179			180	180
13 –	By Senators Plymale, Stollings, Kirkendoll, Unger, Green and Williams: Recognizing Kendyl Ryan.	180-181			182	182
14 –	By Senators Sypolt, Unger, Plymale, Fitzsimmons, Beach and Carmichael: Designating February 19, 2013, West Virginia Home School Day.	182			183	183
15 –	By Senators Plymale, Jenkins, Kessler (Mr. President), Unger, Snyder, Miller, Laird, Fitzsimmons, McCabe, D. Hall, Cole, Carmichael, Williams, Prezioso, Stollings and Chafin: Designating February 20, 2013, Marshall University Day.	223-225			225	225
16 –	By Senators Stollings, Kessler (Mr. President), Unger, Yost and Plymale: Recognizing Blue Ridge Chapter of National Multiple Sclerosis Society.	239-241			241	241
17 –	By Senators Plymale, Kessler (Mr. President), Unger, Yost, Stollings, Cole, Chafin and Jenkins: Congratulating Wayne High School football team.	241-243			243	243
18 –	By Senators D. Hall, Green, Kessler (Mr. President), Unger, Yost, Stollings, Cole and Plymale: Congratulating Wyoming East Warriors baseball team.	243			244	244

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
19 –	By Senators Unger, Kessler (Mr. President), Snyder, Plymale, Laird, Cookman, Williams and Stollings: Recognizing Leadership Berkeley.	276-278			278	278
20 –	By Senators Kessler (Mr. President), Jenkins, Unger, Yost, D. Hall, Stollings, Plymale, Prezioso, Miller, Laird, Beach, Fitzsimmons and McCabe: Designating February 26, 2013, Community Action Day.	292-293			293	293
21 –	By Senators Stollings, Kessler (Mr. President), Unger, Snyder, Jenkins, D. Hall, Laird, Prezioso, Williams and McCabe: Designating February 27, 2013, Disability Advocacy Day.	318-320			320	320
22 –	By Senators Facemire, Cann, Unger, Yost, Chafin, Miller, Plymale and Williams: Congratulating Shinnston Little League All-Star Team.	336			337	337
23 –	By Senators Beach, D. Hall, Unger, Kessler (Mr. President), Stollings, Cann, Williams, Fitzsimmons, Prezioso, Plymale, McCabe, Wells and Miller: Honoring victims and survivors of 1972 Blacksville Mine Fire.	352-354			354	354
*24 –	By Senators Snyder, Kessler (Mr. President), Beach, Cann, Edgell, Fitzsimmons, Green, Laird, McCabe, Miller, Tucker, Unger, Wells, Yost, Plymale, Palumbo and Williams: Requesting Congress propose constitutional amendment overturning Citizens United v. Federal Election Commission ruling.	387-390	1318-1320	1447-1448	1448	390, 416, 1425, 1447-1448
25 –	By Senators Kessler (Mr. President), Unger, Stollings, Yost, D. Hall, Jenkins, Laird, Snyder, McCabe, Prezioso, Green, Plymale, Williams and Fitzsimmons: Designating March 6, 2013, “Women’s Day”.	413			414	414

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
26 –	By Senators Palumbo, Unger, Kessler (Mr. President), Stollings, Yost, D. Hall, Jenkins, Laird, Snyder, Plymale, Green, Prezioso, McCabe, Williams and Fitzsimmons: Designating March “American Red Cross Month”.	414-416			416	416
27 –	By Senators Cann, Facemire, Stollings, Kessler (Mr. President), Unger, D. Hall and Plymale: Recognizing Southern Area Public Library.	436-437			438	438
28 –	By Senators Kessler (Mr. President), Unger, Yost, Miller, Laird, Plymale, McCabe, Wells, Fitzsimmons, Jenkins, Green, Williams and Stollings: Designating March 11, 2013, Innovation and Entrepreneurship Day.	470-472			472	472
29 –	By Senators Unger, Snyder, Kessler (Mr. President), Miller, Laird, Plymale, McCabe, Green, Williams and Stollings: Recognizing Leadership Jefferson.	472			473	473
30 –	By Senators Chafin, Unger, Yost, McCabe, Wells and Williams: Congratulating St. Agnes School Lady Vikings basketball team.	474			475	475
31 –	By Senators Plymale, Yost, Kessler (Mr. President), Unger, Stollings and Jenkins: Congratulating Huntington High School wrestling team.	491			492	492
32 –	By Senators Jenkins, Unger, Kessler (Mr. President), D. Hall, Stollings, Plymale and Williams: Recognizing Huntington Prep basketball team.	533-535			535	535
33 –	By Senators Plymale, Unger, Kessler (Mr. President), Jenkins, Stollings and Williams: Congratulating Cabell Midland High School boys’ cross country team.	535			536	536

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
34 –	By Senators Beach, Unger, Kessler (Mr. President), Jenkins, Stollings, Plymale, Williams and Palumbo: Recognizing truck drivers.	537-539			539	539
35 –	By Senators Palumbo, D. Hall, Jenkins, Stollings, Unger, Kessler (Mr. President), Yost, Snyder, Plymale, Wells, McCabe, Williams and Fitzsimmons: Designating Thursday, March 14, 2013, Generation West Virginia Day.	567-568			569	569
36 –	By Senators Prezioso, Stollings, Unger, Kessler (Mr. President), Plymale, McCabe, Williams and Fitzsimmons: Recognizing Affiliate Program of High Technology Foundation.	569			570	570
37 –	By Senators Cann, Kessler (Mr. President), Stollings, Unger, Williams, McCabe, D. Hall, Prezioso and Plymale: Congratulating WV Golf Association.	584-586			586	586
38 –	By Senators Kessler (Mr. President), Unger, Fitzsimmons, Beach, Williams, Sypolt, Snyder, Wells, Stollings and Plymale: Recognizing volunteers and staff at pregnancy care centers.	605-607			608	608
39 –	By Senators Wells, Walters, McCabe, Palumbo, Stollings, Kessler (Mr. President), Unger, Yost, Beach, Tucker, Plymale and D. Hall: Designating March 19, 2013, West Virginia State University Day.	665-667			667	667
40 –	By Senators Kessler (Mr. President), Snyder, Stollings, Unger, Yost, Williams, Miller, Plymale, Prezioso, McCabe, Wells, Beach, Carmichael, Jenkins and Fitzsimmons: Recognizing Toyota Motor Manufacturing, WV, Inc.	729			730	730

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
41 –	By Senators Unger, Stollings, Kessler (Mr. President) and Williams: Recognizing WV Campus Compact Student Advisory Board.	730-732			732	732
42 –	By Senators Boley, Stollings, Kessler (Mr. President), Unger, Williams, Miller, Plymale and Nohe: Congratulating Maggie Drazba.	732-734			734	734
43 –	By Senators Plymale, Snyder, Stollings, Kessler (Mr. President), Unger, Yost, Williams, Miller, Prezioso, Wells, McCabe, Jenkins and Fitzsimmons: Designating Thursday, March 21, 2013, Higher Education Day.	734-736			736	736
44 –	By Senators Beach, Prezioso, Kessler (Mr. President), Edgell, Williams, Sypolt, Plymale, Palumbo, McCabe, Wells, Yost, Snyder, Unger and Stollings: Designating March 22, 2013, West Virginia University and West Virginia University Extension Day.	783			784	784
45 –	By Senators D. Hall, Green, Kessler (Mr. President), Unger, Laird, Williams, Miller, Plymale and Stollings: Designating Monday, March 25, 2013, Wyoming County Day.	821-823			823	823
46 –	By Senators Cann, Kessler (Mr. President), Unger, Stollings, Plymale, Facemire and Williams: Congratulating Bridgeport High School Lady Indians basketball team.	857-859			859	859
47 –	By Senators Kessler (Mr. President), Unger, Stollings, Plymale, Jenkins, Fitzsimmons and Williams: Recognizing Society of Human Resource Management.	859			860	860

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
48 –	By Senators Kessler (Mr. President), Unger, Yost, Stollings, Jenkins, McCabe, Fitzsimmons, Cookman, Plymale and Prezioso: Recognizing WV Association of Alcoholism and Drug Abuse Counselors and WV Certification Board of Addiction and Prevention Professionals.	908-910			910	910
49 –	By Senators Kessler (Mr. President), Stollings, Jenkins, Yost, Fitzsimmons, Wells, McCabe, D. Hall, Prezioso, Cookman and Plymale: Designating March 28, 2013, WV Kids at Risk Day.	964-966			966	966
50 –	By Senators Kessler (Mr. President), Stollings, Yost, Fitzsimmons, Wells, Prezioso, Edgell, Plymale, Laird, McCabe, Kirkendoll, D. Hall, Unger, Snyder, Palumbo and Facemire: Supporting commitments made to Patriot Coal employees.	1041			1042	1042
51 –	By Senators Cann and Facemire: Recognizing Salem International University.	1042-1044			1044	1044
52 –	By Senators Barnes, Kessler (Mr. President), Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost: Memorializing life of Honorable Ursula Jae Spears.	1107-1109			1109	1109
53 –	By Senators Wells and Stollings: Recognizing Josh Miller.	1110			1111	1111
54 –	By Senators Beach, Stollings, Sypolt, Williams, Prezioso, Tucker, Cookman, Plymale and Fitzsimmons: Congratulating WVU Rifle Team.	1111-1113			1114	1113-1114

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
55 –	By Senators Miller, Laird, Stollings, Jenkins, Cole, Carmichael, D. Hall, Unger, Kessler (Mr. President), Yost, Williams, Plymale, McCabe and Fitzsimmons: Recognizing WV School of Osteopathic Medicine.	1168-1170			1170	1170
56 –	By Senators Kessler (Mr. President), Stollings, Cann, Yost, Beach, Prezioso, Williams, Sypolt, Edgell, McCabe, Carmichael, Fitzsimmons, D. Hall, Jenkins, Wells and Unger: Honoring Franklin D. Cleckley, former Justice of the WV Supreme Court of Appeals.	1247-1249			1249	1249
57 –	By Senators Prezioso, Stollings, Cann, Yost, Snyder, McCabe, Carmichael, Fitzsimmons, Beach, Williams, D. Hall, Jenkins, Wells and Unger: Recognizing Honorable Gaston Caperton.	1249-1251			1252	1252
58 –	By Senators Green, D. Hall, Stollings, Yost, Prezioso, McCabe, Carmichael, Fitzsimmons, Beach, Williams, Jenkins, Wells and Unger: Recognizing Citizens Conservation Corps.	1252			1253	1253
59 –	By Senators Chafin, Kessler (Mr. President), Stollings, Williams, Cole, Carmichael and Unger: Congratulating Tug Valley High School boys' basketball team.	1282			1283	1283
60 –	By Senators Unger, Snyder, Kessler (Mr. President), Stollings, Williams, McCabe, Wells and Carmichael: Designating April 8, 2013, Jefferson County Day.	1284			1285	1285
61 –	By Senators Jenkins, Unger, Kessler (Mr. President), D. Hall, Williams, Wells and Stollings: Congratulating Cabell Midland High School Show Choir.	1337			1338	1338

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
62 –	By Senators Jenkins, D. Hall, Williams, Kessler (Mr. President), Unger, Stollings and Wells: Congratulating Cabell Midland High School Marching Knights.	1339			1340	1340
63 –	By Senators Kessler (Mr. President), Beach, Chafin, Cole, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Palumbo, Plymale, Snyder, Stollings, Tucker, Unger, Wells and McCabe: Recognizing one hundredth year of Division of Highways.	1396-1399			1399	1399
64 –	By Senators Chafin, Cole, Stollings, Unger, Wells, Kessler (Mr. President) and Palumbo: Congratulating Bluefield High School boys' basketball team.	1399-1401			1401	1401
65 –	By Senators Snyder, Stollings, Unger, Wells, Fitzsimmons, Kessler (Mr. President) and Palumbo: Designating April 10, 2013, "Crime Victims Day at the Legislature".	1401			1402	1402
66 –	By Senators Wells, Kessler (Mr. President), Stollings, Unger, Prezioso, Williams, D. Hall, Jenkins and McCabe: Recognizing sister-state relationship with Republic of China (Taiwan).	1653-1655			1655	1655
67 –	(Originating in Senate Rules): Authorizing Senate Committee on Confirmations meet and be paid for interims between regular sessions of Eighty-First Legislature.	1664-1666	1664-1666		1666	1666
68 –	By Senators Barnes and Tucker: Recognizing importance of Corridor H.	1666			1667	1667

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
69 –	By Senators Kirkendoll, Kessler (Mr. President), Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Yost: Recognizing July 16 as “Atomic Veterans Day of Remembrance”.	2443-2445			2445	2445
70 –	By Senator Unger: Raising committee to notify House of Delegates Senate is ready to adjourn <i>sine die</i> .	2652			2652	2652-2653
71 –	By Senator Unger: Raising committee to notify Governor Legislature is ready to adjourn <i>sine die</i> .	2653			2653	2653

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2014-	By Mr. Speaker (Mr. Thompson) and Delegate Armstead [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.	2045		2045, 2650	2046, 2651	2649	2045-2047, 2336, 2589-2590, 2649-2652, 2655, 2674
*2046-	By Delegates Perry and P. Smith: Requiring wireless telecommunications companies to release location information of a missing person's cell phone in a timely manner; the "Kelsey Smith Act".	640	1320	1671	1671	2439	640, 1444, 1507-1508, 1671-1672, 2665, 2675
*2108-	By Delegate Fleischauer: Making the offense of failure to wear safety belts a primary offense.	997	1258		1425		997, 1307, 1363, 1425, 2640, 2674
*2124-	By Delegates Morgan, Stephens, Hartman, Householder, Howell and Staggers: Creating new code sections which separate the executive departments.	795	1448-1449				795, 1449
*2128-	By Delegates Fleischauer, Caputo, Marshall, Guthrie and Stowers: Providing railroad employees have the right to review and copy the contents of their personnel file.	1200					1201
2158-	By Delegates Moore, Reynolds and Azinger: Relating to the provision of financially-related services by banks and bank holding companies.	947	1320-1321, 1449		2051		948, 1321, 1594, 1736-1737, 2050-2051, 2660, 2675
*2173-	By Delegates Miller, Reynolds and Morgan: Relating to funeral expenses for indigent persons.	281					281
*2237-	By Delegate Staggers: Requiring physicians and other licensed prescribers offer the drug Naloxone to their patients who are prescribed opiates for chronic pain.	877					878
*2265-	By Delegates Fleischauer, L. Phillips, Campbell, Poore, Marshall and Barill: Relating to the school access safety act.	1201	1598	1737-1738, 2051-2052	2051		1201, 1598, 1737-1738, 2051-2052

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2314-	By Delegates Poore, Guthrie, Wells, Lawrence, Miley and Skaff: Authorizing a family court judge to order a child to be taken into custody in emergency situations.	356	1239	1349	1349	1473	356, 1263, 1285, 1348-1349, 2656, 2677
*2351-	By Delegates Moore, Poore, Fleischauer and Skaff: Authorizing law enforcement to issue a charge by citation when making an arrest for driving with a suspended or revoked license.	458	1321		1672		459, 1444, 1508, 1672, 2660, 2675
*2352-	By Delegates R. Phillips, Stowers, Skaff and Boggs: Clarifying that the West Virginia Department of Environmental Protection does not assume a mine operator's obligations or liabilities under the Water Pollution Control Act.	1201	1482, 1643-1644	1644-1651, 2052-2053	2052	2474	1201, 1483, 1644-1651, 2052-2053, 2660, 2675
*2357-	By Delegates Poore, Marshall, Moore, Hamilton, Miley, Longstreth, Caputo, Manchin and Ellem: Relating to sexting by minors.	1202	1368	1508-1512, 1673	1673	2608	1202, 1369, 1444, 1508-1512, 1672-1674, 2665, 2676
*2360-	By Delegate M. Poling: Relating to public school support computation of local share.	795	1369, 1598	1738-1746, 2053-2054	2053		796, 1369, 1599, 1738-1747, 2053-2054
2361-	By Delegates Longstreth and Iaquina: Relating to the definition of "eligible veteran" for certain state training and employment preference benefits.	478	689, 1239		1350		478, 689, 1263, 1286, 1349-1350, 2656, 2674
*2395-	By Delegates Williams, Campbell, Moye, Perdue, Pino and Ellington: Relating to senior services.	948	1259	1363-1365, 1426	1426	2682	948, 1307, 1363-1365, 1426, 2640, 2673
*2397-	By Delegates Manchin and Lawrence: Authorizing a county commission to temporarily fill vacancies in certain offices.	542-543	1240				543, 1240
*2399-	By Delegates D. Poling, Anderson, Manypenny, Guthrie, Ireland, Ellem and Swartzmiller: Protecting livestock in dire or extreme condition.	1202	1322	1512-1515, 1674	1674	2439-2440	1203, 1444, 1512-1515, 1674-1675, 2660, 2675

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2414-	By Delegates Morgan, Williams, Stephens, D. Poling and Moye: Conveying property to a nonprofit.	543					543
*2431-	By Delegates R. Phillips, Cowles, Hunt, Marcum, Moye, Pethtel and Stowers: Modifying the application process for obtaining a state license to carry a concealed deadly weapon.	1203	1322	1675-1686, 1687, 2643	1687, 2644	2608, 2642	1203, 1444, 1515-1516, 1675-1687, 2640, 2641-2644, 2671, 2676
2434-	By Delegates Miley, Pethtel, White, Moore, L. Phillips, Boggs, Barill, P. Smith and Jones: Relating to compensation in the magistrate court system.	229	1390, 1483	1747-1753, 2055	2055		229, 1390, 1484, 1747-1753, 2055
*2450-	By Delegate Hunt: Granting licensed real estate appraisers access to commercial or residential review documents.	459					459
*2453-	By Delegates Marshall, Guthrie, Sumner, Barill, D. Poling, Fragale, Hamilton and Boggs: Expanding the Amber Alert Plan; "SKYLAR'S LAW".	948	1323	1516, 1688	1688	2047	948, 1444, 1516, 1687-1688, 2660, 2675
2463-	By Delegates Perdue, Perry, Fleischauer, Marshall, Moye, Poore and Staggers: Repealing the article that permits the sterilization of persons deemed to be mentally incompetent.	839	995-996, 1240		1350		839, 996, 1263, 1286, 1350-1351, 2656, 2674
2469-	By Delegates Perry, Staggers, Swartzmiller, Walker, Barill and Williams: Increasing the cap on earnings during temporary reemployment after retirement.	1203	1369-1370, 1484	1754-1757	2056	2474	1203, 1370, 1754-1757, 2055-2056, 2665, 2675
*2470-	By Delegate M. Poling: Relating to sign support specialist or an educational sign language interpreter in the education of exceptional children.	1203-1204	1370, 1599		2057		1204, 1371, 1757, 2056-2057, 2665, 2675

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2471-	By Mr. Speaker (Mr. Thompson), Delegates Boggs, Swartzmiller, Miley, Young, Sponaugle and Barrett: Prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency.	256	1241, 1259	1286-1290, 1351, 1474	1351, 1474		256, 1241, 1260, 1286-1290, 1351-1352, 1473-1474, 2660, 2677
2477-	By Delegates Overington, Barill, Caputo, Sobonya and Perdue: Permitting certain auxiliary lighting on motorcycles.	321					322
2487-	By Delegates Perdue, Perry, Ellington, Moye, Moore, Diserio, Campbell, Morgan, Poore and Ferns: Prohibiting the use of laetrile.	356-357	907		1068		357, 978, 1030, 1067-1068, 1281, 1456
*2490-	By Delegates Iaquina, Fleischauer, Longstreth, Stephens and Azinger: Providing for the appointment of veterans advocates at state institutions of higher education.	1204	1323-1324, 1600	1758	2058	2440	1204, 1324, 1600, 1757-1758, 2057-2058, 2660, 2676
*2491-	By Delegates Iaquina, Fleischauer, Longstreth, Stephens and Azinger: Establishing a uniform course completion policy for veteran students called up for active duty.	1204	1323-1324, 1600	1758-1760, 2059	2058	2440	1205, 1324, 1601, 1758-1760, 2058-2059, 2665, 2675
*2497-	By Delegates Skaff, Stowers, E. Nelson, Campbell, White, Ferns, Craig, Morgan, Poore and Marcum: Requiring applicants for real estate licensure to undergo criminal history record checks	640	1371-1372	1430-1433, 1504	1504	2047	641, 1372, 1430-1433, 1503-1504, 2661, 2675
*2498-	By Delegates Marcum, Miley, Craig, Moore, White, Perry, Skaff, E. Nelson, Ferro, Ferns and Eldridge: Making it a crime for a person sitting on a grand jury to disclose the identity of an individual who will be indicted.	1205	1391	1760, 2554	2555		1205, 1594, 1760, 2059-2060, 2551, 2554-2555, 2665, 2675
*2505-	By Mr. Speaker (Mr. Thompson) and Delegate Armstead [By Request of the Executive]: Increasing civil penalties imposed by the Public Service Commission for pipeline safety violations.	339	1242, 1324-1325		1689		340, 1242, 1444, 1516, 1688-1689, 2661, 2675

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
2508-	By Mr. Speaker (Mr. Thompson) and Delegate Armstead [By Request of the Executive]: Changing the capital investment threshold amount.	796	1325		1689		796, 1444, 1516-1517, 1689-1690, 2661, 2675
*2512-	By Mr. Speaker (Mr. Thompson) and Delegate Armstead [By Request of the Executive]: Reforming the state Medicaid subrogation statute.	1093-1094	1372-1373	1517-1518	1690	2440	1094, 1445, 1517-1518, 1690-1691, 2661, 2675
*2513-	By Mr. Speaker (Mr. Thompson) and Delegate Armstead [By Request of the Executive]: Improving enforcement of drugged driving offenses.	1205	1325, 1601	1761-1773, 2060-2061	2060	2608	1206, 1326, 1601, 1761-1773, 2060-2061, 2666, 2676
*2514-	By Mr. Speaker (Mr. Thompson) and Delegate Armstead [By Request of the Executive]: Lowering the total amount of tax credits available under the Film Industry Investment Act.	796	1326	1518-1519, 1691	1691	2440	797, 1445, 1518-1519, 1691, 2666, 2675
2516-	By Mr. Speaker (Mr. Thompson) and Delegate Armstead [By Request of the Executive]: Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.	797	1326-1327		1692		797, 1445, 1519-1520, 1692-1693, 2661, 2675
*2519-	By Mr. Speaker (Mr. Thompson) and Delegate Armstead [By Request of the Executive]: Relating to reallocation and repatriation of certain funds to the General Revenue Fund.	997-998	1373		1693		998, 1445, 1520, 1693-1694, 2661, 2675
*2521-	By Delegates Skaff and Marcum: Relating to the West Virginia Contraband Forfeiture Act.	1033	1242	1352-1353	1352	1474-1475	1034, 1263, 1290, 1352-1353, 2656, 2674
*2531-	By Delegates Morgan, Stephens, Paxton, Hartman, Ferns, Howell, Folk, R. Smith, Faircloth, Arvon and J. Nelson: Relating to the practice of speech-language pathology and audiology.	1094	1371-1372, 1602	1774-1798, 2062-2063	2062	2630	1095, 1372, 1773-1798, 2062-2064, 2666, 2677

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2534-	By Delegates Morgan, Stephens, Diserio, Jones, Paxton and P. Smith: Relating to the regulation of pawn brokers.	797	1241, 1602	1798-1801, 2064-2065	2064	2608	797, 1241, 1603, 1798-1802, 2064-2065, 2671, 2676
*2538-	By Mr. Speaker (Mr. Thompson) and Delegate Armstead [By Request of the Executive]: Expiring, supplementing, amending, increasing, and adding items of appropriation in various accounts.	1475	1603	1802-1812, 2065-2068	2065	2474-2475	1476, 1603, 1802-1813, 2065-2069, 2655, 2674
*2541-	By Mr. Speaker (Mr. Thompson) and Delegate Armstead [By Request of the Executive]: Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Department of Health and Human Resources, Division of Human Services.	1476	1604		2069		1477, 1604, 1813, 2069-2070, 2656, 2674
2542-	By Delegates Morgan, Stephens, Jones, Paxton, P. Smith, Staggers, Hartman and Lynch: Relating to publication of the State Register.	1206	1327	1434, 1505	1505	2047	1206, 1327-1328, 1433-1434, 1504-1506, 2661, 2675
2543-	By Mr. Speaker (Mr. Thompson), Delegates Boggs, Caputo, Swartzmiller, White, Miley, M. Poling, Morgan, Armstead, Lane and Cowles: Specifying that the subsidy provided to volunteer fire departments to offset certain workers' compensation premium increases apply to increases attributable to the fire fighting service.	948					949
*2544-	By Delegates Walters, Craig, Hunt, White, J. Nelson, Folk, Raines, Paxton, Kump, Boggs and Miley: Improving state emergency preparedness.	1206-1207					1207
*2548-	By Delegates Ferro, Stowers, Pethel, Swartzmiller, Storch, Marcum, Boggs, Ferns, D. Poling, Diserio and L. Phillips: Increasing the criminal penalties for assaults and batteries against athletic officials.	1207	1328		1694		1207, 1445, 1520, 1694, 2661, 2675

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2550-	By Delegates Hunt, Craig, Lane, Barill, Miley, Paxton, Faircloth, Hamilton, P. Smith, Perry and Moore: Adding criminal offense of receiving materials depicting minors in sexually explicit conduct.	1095-1096					1096
*2553-	By Delegates Morgan, Stephens, Diserio, Jones, Paxton, P. Smith, Staggers, Hartman and Lynch: Authorizing the Secretary of State to administratively dissolve certain business entities.	478-479	1260	1290-1304, 1353-1354	1353	1477	479, 1260, 1290-1304, 1353-1354, 2640, 2674
*2554-	By Delegates Morgan, Stephens, Staggers, Hartman, Jones, Diserio and Lynch: Providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations.	479	1373	1695	1695	2047	479, 1445, 1520, 1694-1695, 2661, 2675
*2563-	By Delegates Eldridge, R. Phillips, Stowers, Tomblin, Campbell, Reynolds, Ferns, Marcum, White, Longstreth and Fragale: Reducing the daily administrative time required of school counselors and increasing the time actually spent in counseling at-risk students.	1034					1034
*2567-	By Delegates Morgan, Stephens, Diserio, Jones, Paxton, P. Smith and Staggers: Relating to limited partnerships.	573	1391	1813-1819	2071	2608	573, 1595, 1813-1819, 2070-2071, 2666, 2675
*2570-	By Delegates Morgan, Stephens, Hartman, Paxton, Eldridge and Lynch: Relating to the West Virginia Public Employees Grievance Procedure.	1207					1208
*2571-	By Delegates Craig, White, Marcum, Morgan, Stowers, Eldridge, R. Phillips, Reynolds, Skaff and Miller: Relating to who may serve as members of the environmental quality board.	1096	1328, 1484-1485	1819, 2071	2071	2440-2441	1096, 1329, 1819, 2071-2072, 2661, 2676
*2577-	By Delegates Perdue, Perry, Eldridge, Lawrence and Staggers: Relating to the practice of pharmacist care.	1208	1374, 1485	1820-1889, 2073-2074	2073	2441	1209, 1374-1375, 1819-1889, 2072-2075, 2666, 2677

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2579-	By Delegates R. Phillips, Stowers, Eldridge, Tomblin, White, Marcum, Caputo, Boggs, Craig, Sumner and J. Nelson: Revising state water quality standard for Selenium.	459	502-503, 1329	1520-1523, 1696	1696	2441	459, 503, 1445, 1520-1523, 1695-1696, 2666, 2675
*2583-	By Delegates Fleischauer, Miley, Hunt, Longstreth, Pino, Ellem, Overington, Moore, Poore, Sobonya and Frich: Establishing a regulatory system for sexual assault forensic examinations.	878					878
*2585-	By Delegates Skaff, Craig, P. Smith, Poore, Guthrie, Hunt, Reynolds, White, Raines and E. Nelson: Increasing the time to file a petition in response to notice of an increased assessment.	419	1243	1304, 1355, 2542-2543	1355, 2543	2541	419, 1263, 1304-1305, 1354-1355, 1477, 1734, 2017, 2541-2543, 2666, 2675
2586-	By Delegates Morgan, Stephens, Eldridge and Paxton: Relating to qualifications for a license to practice embalming.	375	1375	1523-1526, 1697	1697	2047-2048	376, 1445, 1523-1526, 1697-1698, 2671, 2676
*2590-	By Mr. Speaker (Mr. Thompson) and Delegate Armstead [By Request of the Executive]: Creating a public nonprofit corporation and governmental instrumentality to collectively address several environmental and economic development programs.	878	1450	1890-1915, 2075-2077	2075	2441	879, 1595, 1889-1915, 2075-2077, 2666, 2675
*2600-	By Delegates Hartman, McCuskey, Campbell, Miley, E. Nelson, Sponaule, Skaff and Lynch: Creating resort area districts.	1209	1450, 1651-1652		2077		1210, 1451, 1652, 2077, 2666, 2677
*2603-	By Delegates Morgan, Stephens, Staggers, Eldridge, Jones, Lynch, Paxton, Hartman, P. Smith, Barrett and Skinner: Relating to the Family Protection Services Board.	641	1371-1372, 1451	1526-1545, 1699	1698	2048	642, 1372, 1526-1545, 1698-1700, 2661, 2676
*2608-	By Delegates Staggers, Morgan, Swartzmiller, R. Phillips, Diserio, Romine, Azinger, Border and Householder: Requiring appraisal management companies to be registered.	1211	1330	1546-1575	1701	2441	1211, 1330, 1445, 1545, 1575, 1700-1701, 2666, 2675

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2626-	By Delegates Poore, Marcum, Fleischauer, Frich and Eldridge: Authorizing the Department of Military Affairs and Public Safety to promulgate Legislative Rules.	1096	1375	1575-1576	1702	2441-2442	1097, 1445, 1575-1576, 1701-1702, 2661, 2675
*2652-	By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya: Authorizing the Department of Administration to promulgate legislative rules.	949	1243	1305-1306	1355	1477-1478	950, 1263, 1305-1306, 1355-1356, 2656, 2675
*2689-	By Delegates Poore, Marcum, Fleischauer and Eldridge: Authorizing miscellaneous Boards and Agencies to promulgate legislative rules.	1211-1214	1486	1915-1916, 2078, 2081	2078	2608-2609	1214, 1486, 1915-1916, 2078-2082, 2666, 2675
*2716-	By Delegates Diserio, Walker, Ferro, Skinner, Barill, Swartzmiller, E. Nelson, Ellem, Storch, Marcum and White: Relating to the West Virginia Fairness in Competitive Bidding Act.	1162	1260, 1451-1452		2082		1162, 1261, 1595, 1916, 2082, 2671, 2676
*2717-	By Delegates Ashley, Skaff, Raines, Swartzmiller, Ferns, Reynolds, Stowers, White, Miley and Walker: Requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification.	950	1452	1917	2083	2475	950, 1595, 1917, 2082-2083, 2662, 2676
*2727-	By Mr. Speaker (Mr. Thompson) and Delegate Armstead [By Request of the Executive]: Relating to the school aid formula.	1162-1163	1376, 1604	1918, 2084	2084	2475	1163, 1376, 1605, 1918, 2083-2085, 2666, 2676
2729-	By Delegates Perry, Perdue, Boggs, Miley, M. Poling, Poore, Fleischauer, Marshall, Armstead, Ellington and Pasdon: Allowing schools to voluntarily maintain and use epinephrine auto-injectors.	543	907, 1244		1357		544, 908, 1263, 1306, 1356-1357, 2657-2674
*2730-	By Delegates Morgan, Stephens, Azinger, Diserio, Ferns, Jones, Paxton, Perry, D. Poling, Romine and Swartzmiller: Relating to the Real Estate Appraisal Board.	1215	1451-1452		2086		1215, 1595, 1919, 2085-2086, 2671, 2677

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2731-	By Delegates Fleischauer, Marshall, Barill, Manypenny, Campbell, Pasdon, Fragale, Iaquina, Staggers, Miley and Perry: Regulating the performance of health maintenance tasks by unlicensed personnel.	1215	1374, 1605	1919-1921	2086	2475	1215, 1374-1375, 1919-1921, 2086-2087, 2666, 2677
*2733-	By Delegates R. Phillips, Staggers, Ferro, Diserio and Reynolds: Relating to hearings before the Office of Administrative Hearings.	879	1486	1921, 1922	2087	2475	880, 1487, 1921-1922, 2087, 2667, 2677
*2738-	By Delegates Perdue, Perry, Fleischauer, Lawrence, Marshall and Moore: Relating to the Center for Nursing.	1216	1376-1377, 1606	1922-1935, 2088-2089, 2135-2136, 2137	2088, 2136	2476	1216, 1377, 1606, 1922-1935, 2087-2089, 2134-2138, 2671, 2681-2682
*2747-	By Delegates Morgan, Stephens, Caputo and Craig: Relating to Open Governmental Proceedings.	544	1328-1329, 1606-1607	1935-1940	2090	2476	544, 1329, 1935-1940, 2089-2090, 2671, 2677
*2754-	By Mr. Speaker (Mr. Thompson) and Delegate Armstead [By Request of the Executive]: Relating to further defining a retailer engaging in business in this state for purposes of sales and use taxes.	1097	1453		2090		1098, 1595, 1940, 2090, 2662, 2675
*2759-	By Delegates Staggers, Perry, L. Phillips, R. Phillips, Tomblin, Stowers, Eldridge, Moye, M. Poling, Marcum and White: Relating to standards for emergency medical service personnel.	1098	1453				1098, 1454
*2760-	By Delegates R. Phillips, Eldridge, Miley, Boggs, White, Marcum, Stowers, O'Neal, Hartman, Hamilton and Tomblin: Creating a uniform regulation of firearms, ammunition, and firearm accessories.	479-480					480
*2762-	By Delegates Miley and Manchin: Creating an exemption from licensure as an adjuster for certain individuals who conduct data entry into an automated claims adjudication system.	642	1330-1331	1576, 1703	1703	2442	642, 1331, 1445, 1576-1577, 1702-1703, 2662, 2675

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2764-	By Delegates Lawrence, M. Poling and Stowers: Relating to compulsory school attendance.	459-460	1607		2091		460, 1607, 1940, 2090-2091, 2671, 2676
*2766-	By Delegates Iaquina, Fragale, Boggs, Ellington, M. Poling, Pethtel, Ferro, Miley, Perdue, A. Evans and Perry: Creating the "West Virginia Winner" program.	1098					1099
2770-	By Delegates Caputo, Longstreth, Manchin and Staggers: Permitting dealers who sell fewer than eighteen new or used motor vehicles during a year to have their dealer licenses renewed.	642	1392		2092		643, 1392, 1595, 2091-2092, 2672, 2676
*2778-	By Delegates Perry, Eldridge, Williams, Moye, Staggers, Pino, Marshall, Perdue, Poore, Pasdon and Cowles: Defining alternative nicotine products and electronic cigarettes.	1034					1035
2780-	By Delegates Miley, Skinner, Poore, Manchin, Hunt and Barill: Relating generally to multidisciplinary team meetings for juveniles committed to the custody of the West Virginia Division of Juvenile Services.	744	1454	1940-1946, 2092-2093	2092	2442	744, 1595, 1940-1946, 2092-2093, 2672, 2676
2784-	By Delegates Pethtel, Jones, Craig, Canterbury, Kump, Lynch and Stowers: Relating to the Deputy Sheriff Retirement System Act.	797-798			970		798, 875-876, 928, 970, 1281, 1456
*2787-	By Delegates Hamilton, Barill, Cadle, Ireland, Ellem, D. Poling, Perry, Canterbury, Longstreth, A. Evans and Rowan: Permitting family court judges and magistrates to carry concealed handguns without a permit.	1216					1216
2800-	By Delegates Pethtel, Jones, Craig, Canterbury, Kump, Lynch and Stowers: Relating to the Teachers' Retirement System.	950			1134		951, 1032, 1073, 1133-1134, 2640, 2674

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2802-	By Delegates Pethel, Jones, Craig, Canterbury, Kump, Lynch and Stowers: Relating to the Emergency Medical Services Retirement System.	952			1135		953, 1032, 1073, 1134-1135, 2640, 2674
*2805-	By Delegates Manchin, Miley, Ellem, Lane, Fleischauer, Manypenny, Guthrie, Caputo, Reynolds, White and Skinner: Making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program.	1217	1331-1332, 1487		2124		1217, 1332, 1487, 1946, 2093, 2123-2125, 2133-2134, 2631, 2667, 2676
*2806-	By Delegates Perry, Moore, Barill, Campbell, Pino, Staggers, Morgan and M. Poling: Relating to administrative remedies for prisoners generally.	1217	1332	1577-1581, 1704	1704	2442	1218, 1446, 1577-1581, 1703-1705, 2667, 2676
*2809-	By Delegates Poore, Sobonya, Skinner, Morgan, Moye, D. Poling, Campbell, Hartman, Guthrie, Ellem and Miller: Authorizing the Division of Corrections to implement a responsible parent program pilot project.	953	1244				953
2814-	By Delegates Fleischauer, Poore, Guthrie, Moore, Sobonya, Hunt, Longstreth, L. Phillips, Marshall, Manchin and Wells: Relating to human trafficking.	798	1607-1608	1946-1949, 2125, 2126, 2645	2126, 2646	2609, 2645	798, 1608, 1946-1949, 2093, 2125-2126, 2640, 2644-2646, 2672, 2676
*2815-	By Delegates Miley, Fleischauer, Skinner, Shott and Barill: Clarifying and modifying the process of appointing and terminating guardians for minors.	744-745	1261	1427, 1457	1427	1639	745, 1307, 1365, 1427-1428, 1456-1457, 2640, 2674
*2819-	By Delegates Guthrie, Hartman, Ashley and Walters: Relating to the financial oversight of entities regulated by the Insurance Commissioner.	643	1320-1321		1705		643, 1321, 1446, 1581, 1705, 2662, 2676
*2825-	By Delegates Perdue, Perry, Ferns, Morgan, M. Poling, Staggers, White and Williams: Relating to certain appointive state officers salaries.	1218	1377, 1488	1949-1950	2094	2442	1218, 1377, 1488, 1949-1950, 2093-2094, 2672, 2676

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2836-	By Delegates Boggs, White, Lane and Ellem: Allowing certain Commission on Special Investigations personnel the right to carry firearms.	1218	1608		2095		1218, 1608-1609, 1950, 2094-2095, 2672, 2677
*2837-	By Delegates Boggs, White, Reynolds, Hunt, Guthrie, Perdue, Pethtel, Williams, Manypenny, R. Phillips and Skaff: Amending various provisions of the Code affecting the Treasurer's Office.	1218-1221	1488	1950-1978, 2096-2098, 2552-2553	2096, 2553	2552	1221, 1489, 1950-1978, 2095-2098, 2667, 2677
2842-	By Delegates Boggs, Swartzmiller, Ferro, Caputo and D. Poling: Clarifying that time-sharing plans, accommodations and facilities are subject to regulation by the Division of Land Sales and Condominiums.	745	1333, 1609		2098		745, 1333, 1979, 2098, 2672, 2676
2847-	By Delegates Boggs, Swartzmiller, Ferro, Caputo and D. Poling: Relating to the collection of delinquent real property and personal property taxes.	643	1609	1979	2099	2476	643, 1610, 1979, 2099, 2667, 2676
*2848-	By Delegates Boggs, Swartzmiller, Ferro, Caputo and D. Poling: Providing the process for requesting a refund after forfeiture of rights to a tax deed.	799	1454-1455	2100-2101, 2478, 2616-2617	2100, 2617	2616	799, 1595, 1979, 2100-2101, 2477-2478, 2616-2617, 2667, 2676
*2849-	By Delegates Boggs, Swartzmiller, Ferro, Caputo and D. Poling: Relating to audits and investigations by the chief inspector of public offices.	1221	1371-1372				1221, 1372
*2851-	By Delegates Boggs, Ashley, D. Poling, Caputo and Swartzmiller: Establishing a one time audit cost amnesty program for local governments with delinquent audit costs.	1035	1245, 1453		2101		1035, 1245, 1595, 1979, 2101, 2667, 2676
*2858-	By Delegates White, Cowles, Andes, Boggs, R. Phillips, Marcum, Skaff, Craig and Storch: Relating generally to consumer rate relief bonds.	799	1245		1357		799, 1246, 1263, 1306, 1357-1358, 2640, 2674

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
2861-	By Delegates Pasdon, M. Poling, Barill, Marshall, Frich and Fleischauer: Relating to continued enrollment of at-risk student in public school.	674	1598	1980-1986, 2102	2102	2476	674, 1598, 1979-1986, 2102-2103, 2667, 2677
*2866-	By Delegates Hamilton, A. Evans, Andes, Ireland, Walker, Moye, Lynch, P. Smith, J. Nelson, Frich and Sponaugle: Providing an exception to allow a resident of a dwelling house to discharge a firearm in a lawful manner within five hundred feet.	1163	1378		1706		1163, 1446, 1581, 1705-1706, 2662, 2675
*2888-	By Delegates Miley, Fragale, Manchin, Fleischauer, Longstreth and Caputo: Allowing members of a policemen's civil service commission to serve on other local boards and commissions.	1099	1451-1452		2103		109, 1596, 1986, 2103-2104, 2672, 2676
*2897-	By Delegates Marshall, Iaquina, Williams, Anderson, A. Evans, Pethel, White, Fleischauer and Barill: Declaring certain claims against the state and its agencies to be moral obligations of the state.	1221	1455		2104		1222, 1596, 1986, 2104-2105, 2672, 2676
*2913-	By Delegates White and Marcum: Specifying procedures for adjusting payments to correct for an erroneous distribution of moneys dedicated, distributed or directed to a state or local governmental subdivision.	998	1333	1581-1583, 1707	1707	2048	998, 1446, 1581-1583, 1706-1707, 2667, 2676
*2923-	By Delegates Moore, Hartman, E. Nelson, Ferns and Ashley: Relating to directors of state-chartered banking institutions.	1035			1358		1035, 1142, 1198, 1254, 1264, 1306, 1358, 2640, 2674
2933-	By Delegates L. Phillips, P. Smith, Marcum, Barill, White, Moye, Skinner and Poore: Providing notification to a prosecuting attorney of an offender's parole hearing and release.	800	1610	1987-1989, 2105	2105	2476	800, 1610, 1986-1989, 2105, 2667, 2675

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2940-	By Delegates M. Poling, Stowers, Pasdon, Moye and Perry: Relating to regional meetings among certain officials of county boards of education.	1099			1359		1099, 1199, 1254-1255, 1264, 1306, 1358-1359, 2641, 2674
*2945-	By Mr. Speaker (Mr. Thompson), Delegates Caputo, Boggs, Lynch, Young, Skinner, Tomblin, Barrett, Sponaule, White and Miley: Relating to the distribution of state funds to volunteer fire departments.	953					954
2954-	By Delegates Caputo, Tomblin, R. Phillips and Marcum: Requiring that members of the Mine Safety Technology Task Force are paid the same compensation as members of the Legislature.	1163	1392-1393				1164, 1393
2956-	By Delegates Miley, Boggs, Manchin, Marcum, Ferro, Reynolds and Ashley: Relating to resident brewers and brewpubs.	1035-1036	1611	2106-2111, 2112	2111	2609	1036, 1611, 1989, 2106-2112, 2667, 2677
*2960-	By Delegates Guthrie, Hartman and Manchin: Providing for internal and external review of adverse health coverage determinations.	1222	1330-1331	1583-1587, 1708	1708	2609	1222, 1331, 1446, 1583-1587, 1707-1708, 2667, 2676
*2964-	By Delegates Lawrence, Skaff, Caputo, Diserio, Skinner, R. Phillips, Sponaule and Westfall: Authorizing the mayor to appoint chiefs of police and deputy chiefs of police.	1222	1371-1372, 1611	1989-1990, 2113	2113	2609	1222, 1372, 1989-1990, 2112-2113, 2668, 2676
*2966-	By Delegates Skinner, Lawrence, Barrett, Young, Sponaule, Lynch, Tomblin, Eldridge, Poore, Marcum and Caputo: Relating to employment and privacy protection.	1100					1100
2968-	By Delegates Boggs and Young: Authorizing the use of an additional medium for use in archiving the records.	1223	1378		1709		1223, 1446, 1587, 1708-1709, 1710-1711, 2048, 2662, 2675

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2979-	By Delegates Boggs, Skaff, E. Nelson, White, Morgan, M. Poling and Miley: Relating to broadband deployment projects.	1164	1327	1434-1443, 1507	1506	2048	1164, 1327-1328, 1434-1443, 1506-1507, 2668, 2675
2992-	By Delegate White: Eliminating duplicative reporting requirements imposed on distributors of imported cigarettes.	954	1258		1428		954, 1308, 1365, 1428, 2657, 2674
*3003-	By Delegate White: Facilitating compliance with the Tobacco Master Settlement Agreement.	1036	1261-1262		1429		1036, 1308, 1365, 1428-1429, 2641, 2674
3013-	By Mr. Speaker (Mr. Thompson), Delegates Boggs, Swartzmiller, Caputo, Miley, M. Poling, White, Perdue, Morgan, Moye and D. Poling: Authorizing the establishment of job creation work groups.	954			1068		954, 1030, 1068, 1281, 1456
*3020-	By Delegates Miley, Iaquina, Longstreth, Guthrie, White, Boggs, Caputo, Skaff, P. Smith, Moye and Ferro: Improving boat dock and marina safety.	1223	1455-1456, 1612	1991-1995, 2114-2115	2114	2477	1223, 1456, 1612, 1990-1995, 2113-2116, 2668, 2677
3028-	By Delegates Staggers, D. Poling, Pethel, Paxton and P. Smith: Expanding the number of hours temporary state personnel may work in a calendar year.	1223-1224			1360		1224, 1264, 1306, 1359-1360, 2641, 2674
3043-	By Mr. Speaker (Mr. Thompson), Delegates Craig, Hunt, Marcum, Caputo, Ferro, R. Phillips, Williams and Boggs: Including methane monitoring equipment as eligible safety equipment for tax credit purposes.	1164	1392-1393, 1651-1652		2116		1165, 1393, 1652, 2116, 2672, 2677
*3058-	By Delegates White, Ireland, Craig, R. Phillips, Anderson, Miley and Morgan: Relating to the valuation of motor vehicles for purposes of ad valorem property taxes.	1224					1224

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*3060-	By Delegates Boggs, Manchin and Miley: Authorizing the Oil and Gas Conservation Commission to regulate the horizontal deep wells.	1224	1393				1224, 1394
*3062-	By Delegates Williams, A. Evans, Craig, Hartman and R. Phillips: Removing the cap for collections into the land division special revenue account of the Department of Agriculture.	1225	1334				1225, 1334
3065-	By Delegate Manypenny: Transferring land located in the Western District, Taylor County, West Virginia, from the State of West Virginia to the Taylor County Commission.	1165					1165
*3069-	By Delegates Miley, Manchin, Hunt, Poore, Sponaugle, Skinner, Ellem and Lane: Relating to access to justice.	1225	1394		2117		1225, 1596, 1996, 2116-2117, 2672, 2676
*3072-	By Delegates Hunt, Marcum, R. Phillips and Williams: West Virginia coal employment enhancement act.	1225	1394				1226, 1395
*3086-	By Mr. Speaker (Mr. Thompson) and Delegate Armstead [By Request of the Executive]: Relating to juvenile services and criminal justice institutions.	1100		1307, 1361	1361	1478	1101, 1199, 1255, 1264, 1307, 1360-1362, 2657, 2674
3104-	By Delegates M. Poling and Stowers: Authorizing certain legislative rules regarding higher education.	1101	1244		1363		1101, 1264, 1307, 1362-1363, 2641, 2674
3112-	By Delegates Raines, Lane, Miley, Overington and Poore: Relating to compensation awards to victims of crimes.	1226					1226
*3135-	By Delegates Marcum, R. Phillips, Sponaugle, Manypenny, Longstreth and Skinner: Relating generally to voting system certification and procedures at the central counting center.	1165	1379	1588- 1594, 1710	1710	2442- 2443	1165, 1446, 1587-1594, 1709-1710, 2668, 2676

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*3139-	By Delegates Sponaugle, R. Phillips, Manypenny and Longstreth: Authorizing qualified investigators employed by the Secretary of State to carry a firearm and concealed weapon.	1226	1613	1996-1998, 2118, 2588	2117, 2588		1227, 1613, 1996-1998, 2117-2118, 2588-2589, 2672, 2677
*3145-	By Delegates Miley, Manchin, Ferro, Wells and Skinner: Removing the existing maximum quantities of beer that retailers can sell for off premises.	1165-1166	1489		2119		1166, 1489, 1998, 2118-2119, 2673, 2676
*3157-	By Delegates M. Poling, Stowers, Lawrence, Williams, Perry, Pethtel, Tomblin, Young, Pasdon, D. Evans and Westfall (Originating in House Education): Restoring the authority, flexibility, and capacity of schools and school systems to improve student learning.	1227-1229	1379, 1613	1999-2010, 2120-2121	2120	2477	1229, 1380, 1998-2010, 2119-2122, 2668, 2677
3158-	By Delegates M. Poling, Stowers, Perry, Williams, Campbell, Walker, Lawrence, Pasdon, Sumner and Rowan (Originating in House Education): Relating to legislative oversight of education system performance and progress.	998-999					999
3159-	By Delegates M. Poling, Stowers, Young, Perry, Williams, Barill, Pethtel, Lawrence, Pasdon, Ambler and Cooper (Originating in House Education): Granting exceptions from certain compulsory attendance statutes to the Monroe and Nicholas County school systems.	1101	1262		1430		1101, 1308, 1365, 1429-1430, 2657, 2674
3160-	By Delegates Walker, Stowers, Barill, Cooper, Campbell, Lawrence, Young, Tomblin, Hamrick, Espinosa and Westfall (Originating in House Education): Providing for a pilot initiative on governance of schools jointly established by adjoining counties.	1166	1614	2010-2017, 2648-2649	2122, 2649	2477, 2648	1166, 1614, 2010-2017, 2122-2123, 2641, 2646-2649, 2673, 2677

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
3161-	By Delegates White, Marshall, Iaquina, Cowles, Miller, R. Phillips, L. Phillips, E. Nelson and Perdue (Originating in House Finance): Repealing section relating to additional fee to be collected for each marriage license issued.	1229	1334, 1489		2123		1229, 1335, 1490, 2017, 2123, 2673, 2677
3162-	By Delegates White, Williams, Marshall, Iaquina, Skaff, Guthrie, Craig, R. Phillips, Miller, Walters and E. Nelson (Originating in House Finance): Expanding the eligible recipients of matching funds to include West Virginia State University in certain circumstances, and modifying criteria for eligibility.	1229					1230
3163-	By Delegates White, Reynolds, Canterbury, Walters, L. Phillips, Storch, Gearheart, Perdue and Anderson (Originating in House Finance): Requiring all debt obligations of the West Virginia parkways authority to be satisfied by February 1, 2020.	1230					1230

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
1 –	By Mr. Speaker (Mr. Thompson): Raising a Joint Assembly to open and publish election returns.	42-43			43		43
2 –	By Mr. Speaker (Mr. Thompson): Providing for an adjournment of the Legislature until February 13, 2013.	44			45		45
3 –	By Mr. Speaker (Mr. Thompson): Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.	107			108		108
*4 –	By Delegates R. Phillips and Tomblin: The “USMC CPL Larry G. Curnutte Memorial Bridge”.	643					644
*5 –	By Delegates R. Phillips and Tomblin: The “Edward I. Eiland Bridge”.	460					460
6 –	By Delegates R. Phillips and Tomblin: The “Sergeant Elzie Mundy, Jr. Bridge”.	644					644
*7 –	By Delegates Barill, Hunt, Fleischauer, Pino, Manypenny, Wells, Diserio, Howell, Jones, Manchin, Marshall, Moore, Paxton, Perry, Pethel, D. Poling and Swartzmiller: The “County Sheriff Sgt. Michael Todd May Memorial Bridge”.	880	2555- 2559		2560		880, 2559-2560
*8 –	By Mr. Speaker (Mr. Thompson) and Delegate Perdue: The “U.S. Army S/Sgt. E. J. A. Maynard Memorial Bridge”.	745	2555- 2559		2560		745, 2559-2560
*9 –	By Delegates Hamilton and Lynch: The “Garry Lee Burgess Memorial Bridge”.	460	2555- 2559		2560		460, 2559-2560
*10 –	By Delegate Hamilton: The “Staff Sergeant Lesley Wayne Reed US Army Memorial Bridge”.	703	2555- 2559		2560		704, 2559-2560

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
11 –	By Delegates Walker, Barill, Campbell, Craig, Ferro, Fleischauer, Guthrie, Hamilton, Hartman, Hunt, Iaquina, Ireland, Jones, Lawrence, Longstreth, Manchin, Marcum, Marshall, Moore, Overington, Pasdon, Paxton, Perdue, Perry, Pethtel, Pino, D. Poling, Reynolds, P. Smith, Stowers, Swartzmiller, Wells, White and Williams: Requesting the State of West Virginia to annually recognize August 16 as “Airborne Day” in West Virginia.	839	1246		1263		839, 1262-1263
12 –	By Delegates Walker, Mr. Speaker (Mr. Thompson), Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border, Butler, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Craig, Diserio, Eldridge, Ellem, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Ferns, Ferro, Fleischauer, Folk, Fragale, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Iaquina, Ireland, Jones, Kump, Lane, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, McCuskey, Miley, Miller, Moore, Morgan, Moye, E. Nelson, J. Nelson, O’Neal, Overington, Pasdon, Paxton, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pino, D. Poling, M. Poling, Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, P. Smith, R. Smith, Sobonya, Sponaule, Stagers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Tomblin, Walters, Wells, Westfall, White, Williams and Young: Designating the annual observance of March 31 as “West Virginia State Trooper Day”.	800			1013		800, 1013
14 –	By Delegates R. Phillips and Tomblin: The “Marine LCp1 Benny A Gilco Bridge”.	644					644
*15 –	By Delegates R. Phillips and Tomblin: The “Curtis Emmet Lowe Bridge”.	460	2618	2618-2620	2620	2631	461, 2618-2620

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
16 –	By Delegates R. Phillips and Tomblin: The “Army Specialist-4 Harmon “Hoppy” Lee Hopson Jr. Memorial Bridge”.	644	2621- 2622	2623	2623	2631	645, 2622-2623
*17 –	By Delegates Ashley and Walker: The “State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Interchange”.	800	2555- 2559		2560		801, 2559-2560
18 –	By Delegate Hamilton: The “Cpl. Sherald P. Brady, U.S. Army Memorial Bridge”.	704	2555- 2559		2560		704, 2559-2560
*19 –	By Delegate Hamilton: The “Corporal Ronald Lee Kesling USMC Memorial Bridge”.	704	2555- 2559		2560		704, 2559-2560
20 –	By Delegates Rowan and Cowles: The “Army Corporal Rex Marcel Sherman Memorial Bridge”.	704	2555- 2559		2560		704, 2559, 2560
21 –	By Delegates Hamilton and Lynch: The “Upshur Civil War Company ‘C’ Militia Memorial Highway”.	705	2555- 2559		2560		705, 2559-2560
*22 –	By Delegates R. Phillips and Tomblin: The “Kerry Albright Road”.	480					480
24 –	By Mr. Speaker (Mr. Thompson), Delegates Staggers, Arvon, Azinger, Barill, Barrett, Boggs, Border, Campbell, Canterbury, Craig, Diserio, Eldridge, Ellington, Faircloth, Ferns, Fleischauer, Fragale, Frich, Guthrie, Hartman, Howell, Hunt, Jones, Lawrence, Lynch, Manypenny, Marshall, Miley, Morgan, Moye, O’Neal, Pasdon, Perry, L. Phillips, Pino, D. Poling, R. Phillips, M. Poling, Poore, Rowan, Skinner, P. Smith, Sobonya, Storch, Swartzmiller, Tomblin, Walker, Wells, White, Williams and Young: The “Rex Lane Mullins Memorial Bridge”.	461	2555- 2559		2560		461, 2559-2560
*25 –	By Mr. Speaker (Mr. Thompson) and Delegate Perdue: The “U.S. Army CPL Fred Russell Memorial Bridge”.	745- 746	2555- 2559		2560		746, 2559-2560

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
26 –	By Delegates Stowers and Eldridge: The “Army Corporal Richard D. McGhee Memorial Triangle”.	461	2555- 2559		2560		461, 2559-2560
*27 –	By Delegates Stowers and Eldridge: The “Army SSGT Arthur N. McMellon Memorial Bridge”.	593- 594					594
*28 –	By Delegates Stowers and Eldridge: The “Mud River Pound Punchers Highway”.	594	2555- 2559		2560		594, 2559-2560
*29 –	By Mr. Speaker (Mr. Thompson) and Delegate Perdue: The “Army Specialist-5 James R. Justice Memorial Bridge”.	746	2555- 2559		2560		746, 2559-2560
30 –	By Delegates Howell, Azinger, Barrett, Border, Butler, Cadle, Canterbury, Craig, A. Evans, Folk, Gearheart, Hamrick, J. Nelson, R. Phillips, Rowan, Shott, P. Smith, R. Smith, Stagers, Storch, Swartzmiller, Westfall and Williams: The “Army Sergeant Thomas Lawrence Dunithan Memorial Highway”.	705	2555- 2559		2560		705, 2559-2560
31 –	By Delegates Howell, Azinger, Barrett, Border, Butler, Cadle, Canterbury, Craig, Ellem, A. Evans, Faircloth, Folk, Gearheart, Hamrick, J. Nelson, Overington, R. Phillips, Rowan, Shott, P. Smith, R. Smith, Stagers, Storch, Swartzmiller and Westfall: The “WWII 78th Lightning Division Road”.	461	807- 808		808		462, 808
33 –	By Delegates Caputo, Longstreth and Manchin: The “201st Artillery Drive”.	462	1011- 1012		1013		462, 1012-1013
*35 –	By Delegates A. Evans, Rowan, Azinger, Hamilton, Sumner, Hartman, Sponaugle, Howell, Romine and Faircloth: The “Charles Eugene Kessel Memorial Bridge”.	746	2555- 2559		2560		746, 2559-2560
*36 –	By Mr. Speaker (Mr. Thompson) and Delegate Perdue: The “U.S. Army Private First Class Oscar Harper, Sr. Memorial Bridge”.	746- 747	2555- 2559		2560		747, 2559-2560

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
*37 –	By Delegate Pethel: The “U.S. Army Sgt. Norman R. Cunningham Memorial Bridge”.	880					880
*38 –	By Delegates R. Phillips and Tomblin: The “James Darrell Mangrum Memorial Bridge”.	645	2555- 2559		2560		645, 2559-2560
39 –	By Delegates Longstreth, Caputo and Manchin: The “PFC Harry Sine, Jr. Memorial Bridge”.	462	2621- 2622	2623- 2624	2624	2631	462, 2623-2624
40 –	By Delegates White, Marcum, Moore and L. Phillips: The “Estel R. Stacy World War II Navy Veteran Memorial Bridge”.	594	2555- 2559		2560		594, 2559-2560
*41 –	By Delegates White, Marcum, Moore, R. Phillips, Tomblin, Eldridge and Stowers: The “US Army Staff Sergeant Cornelius Nebo Lackey Memorial Bridge”.	594	2621- 2622	2624- 2625	2625	2631	595, 2624-2625
42 –	By Delegates White, Marcum, R. Phillips, Stowers, Eldridge, L. Phillips, Moore, Tomblin and Reynolds: The “Mike Whitt Visionary Leadership Highway”.	281	429- 430	785	785	839	281, 455, 784-785
44 –	By Mr. Speaker (Mr. Thompson), Delegates Boggs, Ashley, Caputo, Craig, Ellem, Manchin, Miley, Morgan, Pasdon, D. Poling, Skaff, P. Smith, Stowers, Swartzmiller and White: Requesting a study on the effectiveness and efficiency of the Supreme Court Rules on the Appeals process in West Virginia.	645					645
45 –	By Delegate P. Smith: The “Army PFC French E. Marsh Memorial Bridge”.	675	2555- 2559		2560		675, 2559-2560
46 –	By Delegate P. Smith: The “Martha Ellen Taylor & Sons Memorial Bridge”.	675	2555- 2559		2560		675, 2559-2560

Number TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
47 – By Delegates Hamilton, P. Smith, Skinner and Espinosa: The “Thomas B. Dunn Memorial Highway”.	705					706
48 – By Mr. Speaker (Mr. Thompson), Delegates Marcum, White, Stowers, Eldridge, R. Phillips and Tomblin: The “Albert & Peggie Maynard Memorial Bridge”.	595	2555-2559		2560		595, 2559-2560
*49 – By Delegates Border, Anderson, Armstead, Sumner, Sobonya, Miller, A. Evans, Ellem, Azinger, D. Poling, Perdue, Andes, Arvon, Ashley, Barill, Barrett, Boggs, Butler, Cadle, Canterbury, Cooper, Cowles, Craig, Eldridge, Ellington, Espinosa, D. Evans, Faircloth, Ferns, Ferro, Fleischauer, Folk, Frich, Guthrie, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Ireland, Jones, Lane, Lawrence, Longstreth, Lynch, Manypenny, Marshall, McCuskey, Miley, Moore, J. Nelson, E. Nelson, O’Neal, Overington, Pasdon, Paxton, Perry, L. Phillips, R. Phillips, Pino, M. Poling, Poore, Raines, Reynolds, Romine, Rowan, Shott, Skinner, P. Smith, R. Smith, Sponaugle, Staggers, Stephens, Storch, Stowers, Tomblin, Walker, Walters, Westfall and Young: The “Larry W. Border Memorial Bridge”.	1036	2555-2559		2560		1037, 2559-2560, 2589

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
50 –	By Delegates Storch, Ferns, Mr. Speaker (Mr. Thompson), Ambler, Anderson, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border, Butler, Cadle, Campbell, Caputo, Cooper, Cowles, Craig, Diserio, Eldridge, Ellem, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Ferro, Fleischauer, Folk, Fragale, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Iaquina, Ireland, Jones, Lane, Lawrence, Longstreth, Lynch, Manypenny, Marcum, Marshall, McCuskey, Miley, Miller, Moore, Morgan, Moye, E. Nelson, J. Nelson, O’Neal, Overington, Pasdon, Perdue, Perry, Pethel, R. Phillips, Pino, M. Poling, Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, R. Smith, Sobonya, Sponaugle, Stagers, Stephens, Stowers, Swartzmiller, Tomblin, Walker, Walters, Wells, Westfall, White, Williams and Young: Requesting the Joint Committee on Government and Finance to schedule the June 2013 Legislative Interim Committee meetings in Wheeling during the week of June 20.	801	1642		1643		801, 1643
52 –	By Delegates Walker, Iaquina, Perry, Boggs and Fleischauer: The “Richardson Brothers’ Memorial Highway, United States Army, World War II”.	881	2621-2622	2625-2626	2626	2632	881, 2625-2626
*53 –	By Delegates R. Phillips and Tomblin: The “Oral Gene Castle Bridge”.	839-840					840
*54 –	By Delegates Stowers, R. Phillips, Tomblin and Eldridge: The “Sergeant First Class Thomas Clyde Farley Memorial Bridge”.	462	2621-2622	2626-2627	2627	2632	462, 2626-2627
*55 –	By Delegates Campbell, Hartman, Lynch, Williams, Skaff, L. Phillips, Stagers, M. Poling and Reynolds: The “Trooper Brian William Linn Memorial Bridge”.	645	2555-2559		2560		646, 2559-2560

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
*56 –	By Delegates Faircloth, Folk, Andes, Arvon, Ashley, Azinger, Butler, Cadle, Campbell, Canterbury, Caputo, Diserio, Eldridge, Ellington, Espinosa, A. Evans, D. Evans, Ferns, Fleischauer, Frich, Gearheart, Guthrie, Hartman, Howell, Ireland, Lane, Lawrence, Longstreth, Lynch, Manypenny, McCuskey, Miller, Morgan, E. Nelson, J. Nelson, Paxton, R. Phillips, Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, P. Smith, R. Smith, Sobonya, Sponaule, Staggers, Stephens, Stowers, Swartzmiller, Tomblin, Walker, Wells and Young: The “John Edgar Savilla Memorial Bridge”.	1478	2555-2559		2560		1478, 2559-2560
*57 –	By Delegates Hartman and Campbell: The “Fire Chief Lyle Ware Memorial Bridge”.	595	2555-2559		2560		595, 2559-2560
58 –	By Delegate P. Smith: The “Marine Lance Corporal Michael Steven Garret Memorial Bridge”.	675	2555-2559		2560		675, 2559-2560
59 –	By Delegates Paxton, Poore, P. Smith, Skaff, Young, Eldridge, Fleischauer, Lynch, Sponaule and Hartman: The “Corporal Gerry Glen Simpson Memorial Bridge, United States Army”.	646	2555-2559		2560		646, 2559-2560
60 –	By Mr. Speaker (Mr. Thompson), Delegates Marcum, White, R. Phillips, Moore, Perdue, Householder, Stowers, Tomblin, Barill and Boggs: The “Williams S. (Bill) Croaff Memorial Bridge”.	595					595
62 –	By Delegates D. Poling, Azinger, Ellem, Ambler, Armstead, Ashley, Canterbury, Caputo, Cowles, Craig, Diserio, Eldridge, Ellington, A. Evans, D. Evans, Faircloth, Ferns, Ferro, Fleischauer, Guthrie, Hamilton, Hunt, Jones, Lane, Marcum, Marshall, Miley, Moore, Morgan, E. Nelson, Pasdon, Perdue, R. Phillips, Poore, Reynolds, Romine, P. Smith, R. Smith, Stephens, Stowers, Tomblin, Walters, Wells and White: The “Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge”.	747	2555-2559		2560		747, 2559-2560

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
63 –	By Delegates Cadle and Butler: The “US Army SFA James Edward Duncan Memorial Bridge”.	706	2555- 2559		2560		706, 2559-2560
65 –	By Delegates Skaff, Guthrie, Wells, Poore, Raines, E. Nelson, McCuskey and Hunt: The “Jimmied Stewart Pauley Memorial Bridge”.	596	2610	2611	2612	2632	596, 2611-2612
66 –	By Delegates Eldridge, Stowers, R. Phillips and Tomblin: The “PFC Casey West Memorial Bridge, United States Navy”.	840	2621- 2622	2627- 2628	2628	2632	840, 2627-2628
67 –	By Delegates Iaquina , Miley, Fragale, P. Smith, Wells, Longstreth, Boggs, Caputo, Hamrick and Perry: The “J. Cecil Jarvis Memorial Bridge”.	881					881
68 –	By Delegates Perry, Staggers, Pino, Iaquina, Moore, Marshall and Poore: The “Army Maj. Gen. Charles C. Rogers Memorial Bridge”.	646	807- 808		808		646, 808
73 –	By Delegates Marcum, White, Perdue, Moore and Mr. Speaker (Mr. Thompson): The “Nancy E. May Memorial Bridge”.	801	2621- 2622	2628	2628	2632	801, 2628
74 –	By Delegates Hamrick, Miley, Iaquina, Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Border, Butler, Cadle, Canterbury, Cowles, Ellem, Espinosa, D. Evans, Gearheart, Howell, Kump, Lane, McCuskey, E. Nelson, Overington, Pasdon, Raines, Shott, R. Smith, Storch, Sumner, Walters, Westfall and Williams: The “USMC LCpl. David Lee Powell Memorial Bridge”.	801	2555- 2559		2560		802, 2559-2560
75 –	By Delegates Iaquina, Longstreth, Fragale, Paxton, Miley, Armstead, Manchin, O’Neal, Azinger, Hamrick and Boggs: The “USN S2C Jack Wade and USMC PFC Don Wade Memorial Bridge”.	881	2555- 2559		2560		881, 2559-2560

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
76 –	By Delegates Fleischauer, Marshall, Barill, Longstreth, Pasdon, Manchin, Pethtel, Caputo, Manypenny, Marcum, Ambler, Arvon, Ashley, Azinger, Barrett, Border, Cadle, Campbell, Canterbury, Cooper, Diserio, Eldridge, Ellem, Ellington, Espinosa, A. Evans, Faircloth, Ferns, Ferro, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Hunt, Iaquina, Ireland, Jones, Lawrence, Lynch, McCuskey, Miley, Miller, Moore, Morgan, Moye, E. Nelson, J. Nelson, Overington, Paxton, Perdue, Perry, L. Phillips, R. Phillips, Pino, D. Poling, M. Poling, Poore, Raines, Reynolds, Romine, Rowan, Shott, Skinner, P. Smith, R. Smith, Sobonya, Sponaule, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Tomblin, Walker, Walters, Wells, White and Williams: The “John W. Pales Bridge”.	840					840
78–	By Delegates Iaquina, Miley, Fragale, Barill, Manchin, Caputo, Longstreth, Manypenny, P. Smith, Mr. Speaker (Mr. Thompson) and Hamrick: The “Louis J. ‘Zee’ Truro Bridge”.	802	2555-2559		2560		802, 2559-2560
79 –	By Delegates Marcum, White, Boggs, Perdue, Barrett, Tomblin, R. Phillips, Stowers, Lynch, Stephens and Reynolds: The “Joe Curtis (Joey) Dinges Memorial Bridge”.	954	2555-2559		2560		955, 2559-2560
80–	By Delegates Eldridge, Campbell, Reynolds, R. Phillips, Stowers, Tomblin, Mr. Speaker (Mr. Thompson), Marcum, White, Craig and Perdue: Urging the US Congress to move West Virginia from the Environmental Protection Agency’s Region 3 office to the Region 4 office in Atlanta.	840	1246				841, 1247
*81–	By Delegates Romine, A. Evans, Rowan and Azinger: The “Brigadier General Timothy C. Barrick Memorial Bridge”.	882	2555-2559		2560		882, 2559-2560

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
83-	By Delegates Caputo, Manchin, Fleischauer, Poore, Lynch, Perdue, Longstreth, Manypenny, Diserio, Jones and Swartzmiller: Requesting a study on viable alternatives to placing children in maximum security environments.	1256-1257					1257
85-	By Delegates Moore, White, Marcum and L. Phillips: The "Carne L. Sprat Memorial Bridge".	955					955
87-	By Delegate Romine: Requesting the Division of Highways to erect signs at the Tyler County line that read "Home of the 2011 FFA Land Judging and Homesite Evaluation National Champions".	802	2618	2620-2621	2621	2632-2633	802, 2620-2621
89-	By Delegate Staggers: The "Navy AD3 Jack Lively Memorial Bridge".	955	2555-2559		2560		955, 2559-2560
91-	By Mr. Speaker (Mr. Thompson) and Delegate Perdue: The "Platoon Sgt. Clifford Tomblin Highway, United States Army".	955	2555-2559		2560		955, 2559-2560
92-	By Delegates R. Phillips, Stowers, Eldridge and Tomblin: The "Army Corporal Randall Maynard Bridge".	999	2555-2559		2560		999, 2559-2560
96-	By Mr. Speaker (Mr. Thompson) and Delegate Perdue: The "Army Sgt. Paul Whitman Carroll Memorial Bridge".	999	2621-2622	2629	2629	2633	999, 2628-2629
98-	By Delegates Guthrie, Reynolds, Manchin, Marshall, Iaquina, Moye, D. Poling and Williams: Requesting a study on the feasibility of obtaining a waiver of the federal requirement relating to state/federal matching highway funds based on a proposed funding model.	1381					1381

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
100-	By Delegates Fleischauer, Poore, Campbell, Barill, Diserio, Manypenny, Moye, Marshall, Guthrie, Pasdon, Frich, Ambler, Anderson, Ashley, Barrett, Boggs, Border, Canterbury, Craig, Eldridge, Ellem, Ellington, Espinosa, A. Evans, Hartman, Hunt, Iaquina, Jones, Kump, Lawrence, Lynch, McCuskey, Miley, Moore, Morgan, E. Nelson, Perdue, R. Phillips, M. Poling, Raines, Reynolds, Skaff, Skinner, Sponaugle, Stephens, Stowers, Swartzmiller, Tomblin, Walker, White, Williams and Young: Requesting a study of Medical Amnesty and Good Samaritan policies in other states.	1639					1640
101-	By Delegates Fleischauer, Sponaugle, Lynch, Skinner, Lawrence, Manypenny, Campbell, Barill, Diserio, Ferro, Sobonya, Craig, Pasdon, Anderson, Border, Ellem, Ferns, Howell, Jones, Kump, J. Nelson, D. Poling and Shott: Requesting a study on the legality and the potential consequences of the use of drones by public and private entities in the State.	1640					1640
*102-	By Delegates Barill, Caputo, Marshall, Pasdon, Fleischauer, Manchin, Iaquina, Miley, Longstreth, Pethel and Hunt: The "Michael A. Oliverio, Sr. Interchange".	1381	2563- 2564				1382
104-	By Delegates Walters, Ambler, Anderson, Arvon, Ashley, Barill, Border, Canterbury, Cowles, Eldridge, Ellem, D. Evans, Ferns, Hamilton, Hamrick, Hunt, Iaquina, Marcum, McCuskey, E. Nelson, Pasdon, Raines, Shott, R. Smith, Storch, Stowers and Sumner: Recognizing the many contributions made by citizens of the Republic of Azerbaijan and that it is in the best interest of the State of West Virginia to promote relationships with the Azerbaijani people.	1257					1257

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
105-	By Delegates Guthrie, Perdue, Marshall, Poore, L. Phillips, Reynolds, D. Poling, Iaquina, Craig and Skaff: Requesting a study on the necessity of hiring additional fraud investigators for the Department of Health and Human Resources and the Medicaid Fraud Control Unit.	1382	1642		1643		1382, 1643
*106-	By Delegates Walters, Andes, Craig, R. Smith, Moye, Faircloth, Cadle, E. Nelson, Sobonya, Mr. Speaker (Mr. Thompson), Ambler, Anderson, Armstead, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border, Butler, Campbell, Canterbury, Caputo, Cooper, Diserio, Eldridge, Ellem, Ellington, Espinosa, A. Evans, D. Evans, Ferns, Ferro, Fleischauer, Folk, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Householder, Hunt, Iaquina, Ireland, Jones, Kump, Lane, Lawrence, Longstreth, Lynch, Manchin, Marcum, Marshall, Miley, Miller, Moore, Morgan, J. Nelson, O'Neal, Overington, Pasdon, Paxton, Perdue, Pethel, L. Phillips, R. Phillips, Pino, D. Poling, M. Poling, Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, P. Smith, Sponaule, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Tomblin, Walker, Wells, Westfall, White, Williams and Young: The "O. Winston Link Trail".	1382	2560- 2561	2561	2561	2609- 2610	1382, 2561

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
107-	By Delegates Reynolds, Mr. Speaker (Mr. Thompson), Barill, Barrett, Boggs, Campbell, Caputo, Craig, Diserio, Eldridge, Ferns, Ferro, Fleischauer, Guthrie, Hartman, Hunt, Iaquina, Jones, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, Miley, Moore, Morgan, Moye, Paxton, Perdue, Perry, Pethel, L. Phillips, R. Phillips, Pino, D. Poling, M. Poling, Poore, Skaff, Skinner, P. Smith, Sponaugle, Stagers, Stephens, Stowers, Swartzmiller, Tomblin, Walker, Wells, White, Williams and Young: Expressing support for the President's proposal to increase the minimum wage to \$9 per hour from \$7.25 per hour.	2335					2335
108-	By Delegates Eldridge, Stowers, Tomblin, R. Phillips, White and Marcum: The "Army Specialist Fourth Class Tommy Joe Belcher Memorial Bridge".	1280	2555-2559		2560		1280, 2559-2560
110-	By Delegates Westfall, Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border, Butler, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Craig, Diserio, Eldridge, Ellem, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Ferns, Ferro, Fleischauer, Folk, Frich, Gearheart, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Iaquina, Ireland, Jones, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, McCuskey, Miley, Miller, Moore, Morgan, Moye, E. Nelson, J. Nelson, O'Neal, Overington, Pasdon, Paxton, Perdue, Perry, L. Phillips, R. Phillips, Pino, D. Poling, M. Poling, Poore, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, P. Smith, R. Smith, Sobonya, Sponaugle, Stagers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Mr. Speaker (Mr. Thompson), Tomblin, Walker, Walters, Wells, Williams and Young: The "Boyd Leon Parsons Memorial Bridge".	1257	2555-2559		2560		1257, 2559-2560

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
111-	By Delegates Marcum, Ambler, Barill, Barrett, Boggs, Border, Campbell, Canterbury, Craig, Diserio, Eldridge, D. Evans, Ferns, Ferro, Fleischauer, Gearheart, Guthrie, Hartman, Ireland, Jones, Lane, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marshall, McCuskey, Miley, Moore, Morgan, Moye, E. Nelson, J. Nelson, Perdue, Perry, Pethel, L. Phillips, R. Phillips, Pino, M. Poling, Poore, Raines, Skaff, Skinner, P. Smith, R. Smith, Sponaugle, Stagers, Stephens, Stowers, Sumner, Swartzmiller, Tomblin, Walker, Walters, Wells, White, Williams and Young: Requesting the Division of Highways to build the bridge on County Route 65/03 located near Tug Valley High School in Naugatuck, Mingo County.	1257					1258
112-	By Delegates Marcum and White: The "Army Command Sergeant Major Wade Damron Memorial Bridge".	1478	2555-2559		2560		1478, 2559-2560
113-	By Delegates Fleischauer, Skinner, Manypenny, Moore, Barill, Pino, Rowan, R. Smith, Sponaugle, Sobonya, Ellington, Ambler, Arvon, Azinger, Barrett, Campbell, Canterbury, Cooper, Diserio, Eldridge, A. Evans, Faircloth, Ferns, Hamrick, Hartman, Iaquina, Marshall, Moye, Pasdon, L. Phillips, Pethel, D. Poling, M. Poling, Raines, Stagers, Storch, Stowers, Sumner and Williams: Requesting a study on the need for and the constitutionality of a revenue surcharge designated for live adult entertainment establishments that serve alcohol.	1640					1640
118-	By Mr. Speaker (Mr. Thompson), Delegates Perdue, Stephens and Reynolds: The "U.S. Marine Corps PFC Daniel L. Edwards Memorial Bridge".	1382	2555-2559		2560		1383, 2559-2560
*120-	By Delegate Ashley: The "1st Sergeant Walter Criss Bridge, United States Army".	1478-1479	2560-2561	2561-2562	2562	2610	1479, 2561-2562

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
*121-	By Delegates Anderson, Border, Azinger, D. Poling and Ellem: The "LSC (SS) Andrew Scott Mollohan Memorial Bridge".	1479	2560-2561	2562-2563	2563	2610	1479, 2562-2563
122-	By Delegates Perdue, Boggs and Moye: Requesting a study of the rural health workforce in West Virginia.	1258					1258
125-	By Delegate Azinger: The "Army Sergeant Richard Bowry Memorial Bridge".	1479	2555-2559		2560		1479, 2555-2559
126-	By Delegates Marcum, White, Moore, Craig and Perdue: The "John Jacob Fry II Memorial Highway".	1479	2555-2559		2560		1480, 2559-2560
127-	By Delegates Williams, Moye, Perdue, Perry, Pino, Pethel, Manypenny, Ferro, Stephens, Campbell, Border, R. Smith, Rowan, Young, Faircloth, Raines, O'Neal, Sumner and Arvon (Originating in House Senior Citizen Issues): Requesting the Joint Committee on Government and Finance to study adult day care services in West Virginia.	1640					1640
129-	By Delegates Williams, Moye, Perdue, Perry, Pino, Pethel, Manypenny, Ferro, Stephens, Campbell, Border, R. Smith, Rowan, Young, Faircloth, Raines, O'Neal, Sumner and Arvon (Originating in House Senior Citizen Issues): Requesting the Joint Committee on Government and Finance to study the deficiencies in home caregiver assistance for senior citizens.	1640-1641					1641

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
130-	By Delegates Williams, Moye, Perdue, Perry, Pino, Pethel, Manypenny, Ferro, Stephens, Campbell, Border, R. Smith, Rowan, Young, Faircloth, Raines, O'Neal, Sumner and Arvon (Originating in House Senior Citizen Issues): Requesting the Joint Committee on Government and Finance to study the feasibility of updating state laws that strengthen protections against elder abuse, exploitation and fraud.	1641					1641
133-	By Mr. Speaker (Mr. Thompson) and Delegate Perdue: The "James T. and Paul T. Billups Bridge".	1480	2555-2559		2560		1480, 2559-2560
135-	By Mr. Speaker (Mr. Thompson), Delegates Eldridge, R. Phillips, White, Manchin, Jones, Diserio, Manypenny, Frich, Westfall, Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border, Butler, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Craig, Ellem, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Ferns, Ferro, Fleischauer, Folk, Fragale, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Iaquina, Ireland, Kump, Lane, Lawrence, Longstreth, Lynch, Marcum, Marshall, McCuskey, Miley, Miller, Moore, Morgan, Moye, E. Nelson, O'Neal, Overington, Pasdon, Paxton, Perdue, Perry, Pethel, L. Phillips, Pino, D. Poling, M. Poling, Poore, Raines, Reynolds, Romine, Rowan, Shott, Scaff, Skinner, P. Smith, R. Smith, Sobonya, Sponaule, Stagers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Tomblin, Walker, Walters, Wells, Williams and Young: Proclaiming West Virginia as a Purple Heart State.	1480	2614		2615		1480, 2615

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
138-	By Delegates Morgan, Stephens, Caputo, Diserio, Eldridge, Ferns, Hartman, Jones, Lynch, Paxton, P. Smith, Staggers, Swartzmiller, Arvon, Azinger, Border, Cadle, Faircloth, Folk, Kump, Romine and R. Smith (Originating in House Government Organization): Requesting that the Joint Committee on Government and Finance authorize a study on state recognition of Native American Tribes.	1641					1641
139-	By Delegates Williams, Boggs, Pethtel, Perdue, Anderson, Iaquina, Guthrie, Miller, Walker, Manypenny, White, Ashley, Barill, Caputo, Craig, Eldridge, A. Evans, Ferro, Fleischauer, Hartman, Hunt, Ireland, Lawrence, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Pasdon, Perry, R. Phillips, Pino, M. Poling, Reynolds, Skaff, P. Smith, Staggers and Stowers: Requesting a study for the potential for creating new jobs and improving our economy by increasing agribusiness in the state.	1641					1642
140-	By Delegates R. Phillips, Caputo, Hartman, Tomblin, Eldridge, Lynch, Craig, Iaquina, Stowers, White, Mr. Speaker (Mr. Thompson), Andes, Armstead, Barill, Barrett, Boggs, Campbell, Canterbury, Diserio, Ferns, Ferro, Fleischauer, Gearheart, Hamilton, Jones, Lawrence, Longstreth, Marcum, Marshall, Morgan, Moye, E. Nelson, O'Neal, Paxton, Perry, Pethtel, L. Phillips, D. Poling, M. Poling, Reynolds, Shott, Skaff, Skinner, P. Smith, Sobonya, Sponaule, Staggers, Stephens, Storch, Swartzmiller, Walker, Westfall, Williams and Young: Recognizing July 16 as "Atomic Veterans Day of Remembrance" in West Virginia.	2335			2335		2335

JOURNAL of THE SENATE State of West Virginia

EIGHTY-FIRST LEGISLATURE

First Extraordinary Session, 2013

April 17-18, 2013



NOTE: The proceedings of the First Extraordinary Session of the West Virginia Legislature in the year 2013 (convened by the Governor on April 17 and adjourned *sine die* on April 18) are shown hereinafter.

WEST VIRGINIA LEGISLATURE
SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE
FIRST EXTRAORDINARY SESSION, 2013

WEDNESDAY, APRIL 17, 2013

Pursuant to the proclamation of His Excellency, the Governor, the Honorable Earl Ray Tomblin, dated the seventeenth day of April, two thousand thirteen, convening the eighty-first Legislature of West Virginia in extraordinary session today (Wednesday, April 17, 2013), under the provisions of section seven, article seven of the Constitution of West Virginia, the Senate assembled in its chamber in the state capitol in the City of Charleston immediately upon adjournment sine die of the Extended Budget Session and was called to order by its President, the Honorable Jeffrey V. Kessler.

Prayer was offered by the Honorable William R. Laird IV, a senator from the tenth district.

On the call of the roll, the following answered to their names:

Senators Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President).

Thirty-four members having answered to their names, the President declared the presence of a quorum.

Executive Communications

Senator Kessler (Mr. President) laid before the Senate the following proclamation from His Excellency, the Governor, convening the Legislature in extraordinary session, which was read by the Clerk:

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
CHARLESTON

A P R O C L A M A T I O N

By the Governor

I, EARL RAY TOMBLIN, by virtue of the authority vested in the Governor by Section 7, Article VII of the Constitution of West Virginia, do hereby call the Legislature of West Virginia to convene in Extraordinary Session upon adjournment sine die of the 2013 Regular Session, as extended by Proclamation dated April 10, 2013, in its chambers in the State Capitol, City of Charleston, for the sole purpose of considering and acting upon the following matters:

FIRST: Legislation permitting the Monongalia County Commission to levy a special district excise tax for the benefit of the University Town Centre economic opportunity district.

SECOND: Legislation relating to compensation in the magistrate court system.

THIRD: Legislation relating to the distribution of state funds to volunteer fire departments in connection with the Volunteer Fire Department Workers' Compensation Subsidy Program and a transfer of funds to the Subsidy Program from the Fire Marshal Fees Fund in an amount not to exceed \$4 million.

FOURTH: A supplemental appropriation bill expiring funds to the unappropriated surplus balance in the State Fund, General

Revenue, for the fiscal year ending June 30, 2013, from fund 0105, fiscal year 2009, organization 0100, of the Governor's Office, Civil Contingent Fund, and from fund 1509, fiscal year 2013, organization 1500, of the Attorney General, Consumer Protection Fund; and making a supplementary appropriation from the unappropriated surplus balance in the State Fund, General Revenue, to fund 0105, fiscal year 2013, organization 0100, of the Governor's Office - Civil Contingent Fund account; to fund 0150, fiscal year 2013, organization 1500, of the Attorney General account; to fund 0256, fiscal year 2013, organization 0307, of the Department of Commerce -West Virginia Development Office account; to fund 0525, fiscal year 2013, organization 0506, of the Department of Health and Human Resources - Consolidated Medical Service Fund account; to fund 0589, fiscal year 2013, organization 0441, of the Higher Education Policy Commission Administration - Control Account; and to fund 0586, fiscal year 2013, organization 0442, of the Higher Education Policy Commission System - Control Account.

FIFTH: Legislation relating to the administration, collection and enforcement of local sales and use taxes and excise taxes by the State Tax Commissioner and providing rule-making authority.

SIXTH: Legislation authorizing and appropriating the expenditure of public moneys to pay the expenses of this 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 the Seventeenth day of April, in the year of our Lord, Two Thousand Thirteen, and in the One Hundred Fiftieth year of the State.

EARL RAY TOMBLIN,
Governor.

By the Governor:

NATALIE E. TENNANT,
Secretary of State.

Senator Unger offered the following resolution:

Senate Resolution No. 101—Raising a committee to inform the House of Delegates the Senate has assembled in extraordinary session.

Resolved by the Senate:

That a committee of three be appointed by the President to inform the House of Delegates that the Senate has assembled in extraordinary session, with a quorum present, and is ready to proceed with the business for which the extraordinary session was called by His Excellency, the Governor.

At the request of Senator Unger, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Whereupon, the President appointed as members of such committee the following:

Senators D. Hall, Cookman and Carmichael.

Subsequently, Senator D. Hall, from the committee to notify the House of Delegates the Senate has assembled in extraordinary session, and is ready to proceed with the business of the session, announced that the committee had discharged its duties.

A message from the House of Delegates, by

Delegates Skinner, Young and Ambler, announced that the House of Delegates has assembled in extraordinary session, with a quorum present, and is ready to proceed with the business stated in the proclamation convening the Legislature.

Senator Unger then offered the following resolution:

Senate Resolution No. 102—Raising a committee to wait upon the Governor.

Resolved by the Senate:

That a committee of three on the part of the Senate, to join with a similar committee on the part of the House of Delegates, be appointed by the President to notify His Excellency, the Governor, that at his call the Legislature has assembled in extraordinary session, with a quorum of each house present; and is ready to receive any communication or message he may be pleased to present under section seven, article seven of the Constitution of West Virginia, which provides that no business except that stated in his proclamation be considered.

At the request of Senator Unger, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Whereupon, the President appointed as members of such committee the following:

Senators Kirkendoll, Fitzsimmons and Walters.

A message from the House of Delegates, by

Delegates Sponaugle, Tomblin and Raines, announced that the Speaker had appointed them a committee of three to join with a similar committee on the part of the Senate to wait upon the Governor, under the provisions of Senate Resolution No. 102. Senate and House members of this select committee then proceeded to the executive offices.

Subsequently, Senator Kirkendoll reported that the joint Senate and House committee had performed the duty assigned to it.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced and read by their titles:

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 1001—A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to permitting the Monongalia county commission to levy a special district excise tax.

At the request of Senator Unger, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Unger, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Senate Bill No. 1001 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 1001) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 1001) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 1002—A Bill to amend and reenact §12-4-14a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-3-33a, all relating to the distribution of state funds to volunteer fire departments under the Volunteer Fire Department Workers' Compensation Subsidy Program; specifying that the subsidy provided to volunteer fire departments to offset certain workers' compensation premium increases applies to increases attributable to the fire-fighting service, rapid response emergency medical service, ambulance service and diving service components of the services provided by volunteer fire departments; establishing the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund and directing that certain moneys be deposited into the fund for the program; requiring the State Fire Marshal, in consultation with the Insurance Commissioner, State Auditor, Secretary of Revenue and Legislative Auditor, to review, assess and prepare a comprehensive report to the Joint Committee on Government and Finance on or before December 31, 2015, of steps that may be taken to meet the needs of volunteer fire departments and companies; expiring §12-4-14a and §33-3-33a of this code on June 30, 2016; and providing for the closure of the fund.

At the request of Senator Unger, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 1003—A Bill to amend and reenact §50-1-3, §50-1-8, §50-1-9 and §50-1-9a of the Code of West Virginia, 1931, as amended, all relating generally to the magistrate court system; making legislative findings; adjusting the population line upon which salaries for magistrates and certain magistrate employees are calculated; providing that the Joint Committee on Government and Finance shall request a study from the National Center for State Courts on the weighted case loads, salaries, jurisdiction and

apportionment of resources within the magistrate court system; requiring presentation of report and recommendations regarding redistribution of magistrate court personnel and resources by December 1, 2014; requiring the Supreme Court of Appeals of West Virginia to present recommendations to the Legislature regarding allocation and assignment of resources; adjusting certain salaries for certain magistrates and magistrate court employees effective January 1, 2013; equalizing the pay for all magistrates and certain magistrate employees on January 1, 2017; providing for an effective date; and providing that the amendments are retroactive to January 1, 2013.

At the request of Senator Unger, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Unger, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Senate Bill No. 1003 was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill No. 1003 pass?”

On the passage of the bill, the yeas were: Beach, Boley, Cann, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—28.

The nays were: Barnes, Blair, Carmichael, M. Hall, Sypolt and Walters—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 1003) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Beach, Boley, Cann, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—28.

The nays were: Barnes, Blair, Carmichael, M. Hall, Sypolt and Walters—6.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 1003) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 1004—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-1011c, relating to local sales and use taxes and local excise taxes; granting the Tax Commissioner exclusive responsibility for administering, collecting and enforcing specified local sales and use taxes and excise taxes; specifying jurisdiction and standing before the Office of Tax Appeals; permitting fees for collection of local sales and use taxes and excise taxes; providing a special fund for deposit of fees for collection of specified local sales and use taxes and excise taxes; providing that notwithstanding specified provisions, the Tax Commissioner may prescribe by rule the schedule and manner for deposit of moneys into the special fund for deposit of fees for collection of local sales and use taxes and excise taxes, and such other administrative and procedural requirements as may be useful or necessary for the management and handling of the fund; authorizing the Tax Commissioner to promulgate ordinary and emergency rules; declaring that such rules may provide for administration, collection and enforcement of local sales and use taxes and excise taxes, assessment of a fee for the Tax Commissioner's services, authority for resolution of disputes, the schedule and manner for deposit of fees for collection of local sales and use taxes and excise taxes, and such other purposes as the Tax Commissioner may find useful or necessary; and specifying an effective date.

At the request of Senator Unger, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 1005—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2013, in the amount of \$10,317,860.71 from the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, activity 236, and in the amount of \$7,459,913 from the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2013, organization 1500, 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 Governor’s Office Civil Contingent Fund, fund 0105, fiscal year 2013, organization 0100, to the Attorney General, fund 0150, fiscal year 2013, organization 1500, to the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2013, organization 0307, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2013, organization 0506, to the Higher Education Policy Commission - Administration - Control Account, fund 0589, fiscal year 2013, organization 0441, and to the Higher Education Policy Commission - System - Control Account, fund 0586, fiscal year 2013, organization 0442, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013.

At the request of Senator Unger, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Unger, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Senate Bill No. 1005 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 1005) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 1005) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Without objection, the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill No. 1001, Permitting Monongalia county commission levy district excise tax.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 103—A Bill to amend and reenact §12-4-14a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-3-33a, all relating to the distribution of state funds to volunteer fire departments under the Volunteer Fire Department Workers' Compensation Subsidy Program; specifying that the subsidy provided to volunteer fire departments to offset certain workers' compensation premium increases applies to increases attributable to the fire fighting service, rapid response emergency medical service, ambulance service and diving service components of the services provided by volunteer fire departments; establishing the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund and directing that certain moneys be deposited into the fund for the program; requiring the State Fire Marshal, in consultation with the Insurance Commissioner, State Auditor, Secretary of Revenue, and Legislative Auditor, to review, assess and prepare a comprehensive

report to the joint committee on government and finance on or before December 31, 2015, of steps that may be taken to meet the needs of volunteer fire departments and companies; expiring §12-4-14a and §33-3-33a of this code on June 30, 2016; and providing for the closure of the fund.

At the request of Senator Unger, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Unger, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. No. 103) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 103) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. No. 103) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

On motion of Senator Unger, the Senate recessed until 7:30 p.m. tonight.

Night Session

Upon expiration of the recess, the Senate reconvened.

On motion of Senator Unger, the Senate adjourned until tomorrow, Thursday, April 18, 2013, at 11 a.m.

THURSDAY, APRIL 18, 2013

The Senate met at 11 a.m.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by Bishop Joe Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia.

Pending the reading of the Journal of Wednesday, April 17, 2013,

On motion of Senator Facemire, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill No. 1003, Relating to magistrate court system compensation.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill No. 1005, Making supplementary appropriation from Civil Contingent Fund and Consumer Protection Fund.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 105—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-11c, relating to administration of local sales and

use taxes and local excise taxes; granting the Tax Commissioner exclusive responsibility for administering, collecting and enforcing specified local sales and use taxes and excise taxes; specifying jurisdiction and standing before the Office of Tax Appeals; authorizing the Tax Commissioner to propose for promulgation legislative rules to assess a fee for the administration, collection and enforcement of specified local sales and use taxes and excise taxes; providing a special fund for deposit of the certain fees; and specifying an effective date.

At the request of Senator Unger, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Unger, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. No. 105) was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed House Bill No. 105 pass?”

On the passage of the bill, the yeas were: Beach, Boley, Chafin, Cookman, Edgell, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—25.

The nays were: Barnes, Blair, Cann, Carmichael, Cole, Facemire, M. Hall, McCabe and Walters—9.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 105) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Beach, Boley, Chafin, Cookman, Edgell, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—25.

The nays were: Barnes, Blair, Cann, Carmichael, Cole, Facemire, M. Hall, McCabe and Walters—9.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. No. 105) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

Senate Bill No. 1002, Establishing Volunteer Fire Department Workers' Compensation Premium Subsidy Fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill No. 1004, Relating to local sales and use taxes and excise taxes.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

On motion of Senator Unger, the Senate recessed until 12 Noon.

Upon expiration of the recess, the Senate reconvened and proceeded to the sixth order of business.

Senator Unger offered the following pre-adjourment resolution:

Senate Resolution No. 103—Raising a committee to notify the House of Delegates the Senate is ready to adjourn *sine die*.

Resolved by the Senate:

That the President be authorized to appoint a committee of three to notify the House of Delegates that the Senate has completed its labors and is ready to adjourn *sine die*.

At the request of Senator Unger, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Senator Kessler (Mr. President), under the provisions of the foregoing resolution, appointed the following committee to notify the House of Delegates of impending Senate adjourment:

Senators Kirkendoll, Fitzsimmons and Nohe.

Subsequently, Senator Kirkendoll reported that the duties assigned by Senate Resolution No. 103 had been performed.

Thereafter, a three-member delegation from the House of Delegates, namely

Delegates Skinner, Young and Ambler, announced that that body also had completed its labors and was ready to adjourn *sine die*.

Senator Unger then offered the following resolution:

Senate Resolution No. 104—Raising a committee to notify His Excellency, the Governor, that the Legislature is ready to adjourn *sine die*.

Resolved by the Senate:

That the President be authorized to appoint a committee of three to join with a similar committee of the House of Delegates to notify His Excellency, the Governor, that the Legislature has completed its labors and is ready to adjourn *sine die*.

At the request of Senator Unger, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Under the provisions of the foregoing resolution, Senator Kessler (Mr. President) appointed the following committee to notify His Excellency, the Governor, that the Senate was ready to adjourn:

Senators D. Hall, Cookman and Cole.

Delegates Sponaugle, Tomblin and Raines, then announced that they had been appointed by that body to join with the similar

committee named by the Senate to wait upon His Excellency and were ready to proceed with this assignment.

Senators D. Hall, Cookman and Cole, comprising the Senate committee, then joined the House committee and proceeded to the executive offices to notify His Excellency, the Governor, of imminent adjournment of this extraordinary session of the Legislature.

Subsequently, Senator D. Hall, from the joint select committee to notify His Excellency, the Governor, that the Legislature had completed the business of this extraordinary session and was ready to adjourn *sine die*, returned to the chamber and was recognized by the President. Senator D. Hall then reported this mission accomplished.

At the request of Senator Chafin, unanimous consent being granted, Senator Chafin addressed the Senate regarding economic development issues in southern West Virginia.

At the request of Senator Prezioso, and by unanimous consent, Senator Prezioso addressed the Senate regarding current budget allocations to the Mingo County Redevelopment Authority.

At the request of Senator Unger, unanimous consent being granted, Senator Unger addressed the Senate regarding the success of the current legislative session, including commendation to The Honorable Howard L. Wellman, Sergeant at Arms.

On motion of Senator Unger, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened.

At the request of Senator Cookman, unanimous consent being granted, the Joint Committee on Enrolled Bills was granted permission, after it has examined, found truly enrolled and presented to His Excellency, the Governor, for his action, bills

passed but not presented to him prior to adjournment of this first extraordinary session of the eighty-first Legislature in the year two thousand thirteen, to file its reports with the Clerk and that the same be included in the Journal of the last day of the session; and also, that any communications from His Excellency, the Governor, as to his action on bills after adjournment of the session, be included in the Journal.

In accordance with the foregoing unanimous consent agreement, the following reports of the Joint Committee on Enrolled Bills were filed as follows:

Senator Palumbo, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 23rd day of April, 2013, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. No. 1005), Making supplementary appropriation from Civil Contingent Fund and Consumer Protection Fund.

Respectfully submitted,

Corey Palumbo,
Member, Senate Committee.
Danny Wells,
Chair, House Committee.

Senator Palumbo, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 29th day of April, 2013, presented to His Excellency, the Governor, for his action, the following bills,

signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. No. 1001), Permitting Monongalia County Commission levy district excise tax.

And,

(S. B. No. 1003), Relating to magistrate court system compensation.

Respectfully submitted,

Corey Palumbo,
Member, Senate Committee.
Danny Wells,
Chair, House Committee.

Senator Fitzsimmons, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 1st day of May, 2013, 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:

(H. B. No. 103), Distribution of state funds to volunteer fire departments.

And,

(H. B. No. 105), Rule-making authority relating to administration, collection and enforcement of local sales, use and excise taxes by Tax Commissioner.

Respectfully submitted,

Robert J. Fitzsimmons,
Member, Senate Committee.
Danny Wells,
Chair, House Committee.

Executive Communications

Under authorization of Senate approval therefor in prior proceedings today, to include in this day's Journal communications showing the Governor's action on enrolled bills presented to him in post-session reports, the following are inserted hereinafter:

The Clerk then presented communications from His Excellency, the Governor, advising that on April 23, 2013, he had approved **Enr. Senate Bill No. 1005**; on April 30, 2013, he had approved **Enr. Senate Bill No. 1001**; on May 2, 2013, he had approved **Enr. House Bill No. 103**; and on May 3, 2013, he had approved **Enr. Senate Bill No. 1003** and **Enr. House Bill No. 105**.

On motion of Senator Unger, the first extraordinary session of the Senate in the year two thousand thirteen adjourned *sine die*.

SENATE ABSTRACT INDEX
First Extraordinary Session, 2013

1. Senate Bills Passed by Legislature (total of 3)	30
2. House Bills Passed by Legislature (total of 2)	30
3. Senate Bills Introduced	30-31
4. Senate Resolutions Offered	31
5. House Bills Passed by House and Communicated to Senate	32

HISTORY OF BILLS AND RESOLUTIONS CONSIDERED BY SENATE

(This symbol * indicates Committee Substitutes.)

SENATE BILLS PASSED LEGISLATURE

1001. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Permitting Monongalia County Commission levy district excise tax** - Passed 4/17/13; Effective from passage - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 2, Acts, 1st Extraordinary Session, 2013
1003. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to magistrate court system compensation** - Passed 4/18/13; Effective from passage - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 3, Acts, 1st Extraordinary Session, 2013
1005. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Making supplementary appropriation from Civil Contingent Fund and Consumer Protection Fund** - Passed 4/18/13; Effective from passage - To Governor 4/23/13 - Approved by Governor 4/23/13 - Chapter 1, Acts, 1st Extraordinary Session, 2013

HOUSE BILLS PASSED LEGISLATURE

103. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Distribution of state funds to volunteer fire departments** - Passed 4/17/2013; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/2/13 - Chapter 5, Acts, 1st Extraordinary Session, 2013
105. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Rule-making authority relating to administration, collection and enforcement of local sales, use and excise taxes by Tax Commissioner** - Passed 4/18/2013; Effective from passage - To Governor 5/1/13 - Approved by Governor 5/3/13 - Chapter 4, Acts, 1st Extraordinary Session, 2013

ALL SENATE BILLS INTRODUCED

1001. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Permitting Monongalia County Commission levy district excise tax** - Introduced 4/17/13 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 4/18/13 - Effective from passage - To House 4/17/13 -

Reference dispensed - Passed House 4/17/13 - Effective from passage - To Governor 4/29/13 - Approved by Governor 4/30/13 - Chapter 2, Acts,1st Extraordinary Session, 2013

1002. By Sen. Kessler (Mr. President) and D. Hall [By Request of the Executive] - **Establishing Volunteer Fire Department Workers' Compensation Premium Subsidy Fund** - Introduced 4/17/13 - Committee reference dispensed - Died On 3rd reading
1003. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to magistrate court system compensation** - Introduced 4/17/13 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 4/17/13 - Effective from passage - To House 4/17/13 - Reference dispensed - Constitutional Rule rejected - Passed House 4/18/13 - Effective ninety days from passage - To Governor 4/29/13 - Approved by Governor 5/3/13 - Chapter 3, Acts,1st Extraordinary Session, 2013
1004. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to local sales and use taxes and excise taxes** - Introduced 4/17/13 - Committee reference dispensed - Died On 3rd reading
1005. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Making supplementary appropriation from Civil Contingent Fund and Consumer Protection Fund** - Introduced 4/17/13 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 4/17/13 - Effective from passage - To House 4/17/13 - Reference dispensed - Constitutional Rule rejected - Passed House 4/18/13 - Effective from passage - To Governor 4/23/13 - Approved by Governor 4/23/13 - Chapter 1, Acts,1st Extraordinary Session, 2013

ALL SENATE RESOLUTIONS OFFERED

101. By Sen. Unger - **Raising committee to notify House of Delegates Senate has assembled** - Introduced 4/17/13 - Committee reference dispensed - Adopted 4/17/13
102. By Sen. Unger - **Raising committee to wait upon Governor** - Introduced 4/17/13 - Committee reference dispensed - Adopted 4/17/13
103. By Sen. Unger - **Raising committee to notify House of Delegates Senate is ready to adjourn sine die** - Introduced 4/17/13 - Committee reference dispensed - Adopted 4/18/13
104. By Sen. Unger - **Raising committee to notify Governor Legislature is ready to adjourn sine die.** - Introduced 4/17/13 - Committee reference dispensed - Adopted 4/18/13

**ALL HOUSE BILLS PASSED BY HOUSE
AND COMMUNICATED TO SENATE**

103. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive]
- **Distribution of state funds to volunteer fire departments** - Introduced 4/17/13
- Reference dispensed - Passed House 4/17/13 - Effective from passage - To Senate
4/17/13 - Committee reference dispensed - Constitutional rule suspended - Passed
Senate 4/17/13 - Effective from passage - To Governor 5/1/13 - Approved by
Governor 5/2/13 - Chapter 5, Acts, 1st Extraordinary Session, 2013
105. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive]
- **Rule-making authority relating to administration, collection and enforcement
of local sales, use and excise taxes by Tax Commissioner** - Introduced 4/17/13
- Reference dispensed - Amended - Passed House 4/18/13 - Effective from passage
- To Senate 4/18/13 - Committee reference dispensed - Constitutional rule
suspended - Passed Senate 4/18/13 - Effective from passage - To Governor 5/1/13
- Approved by Governor 5/3/13 - Chapter 4, Acts, 1st Extraordinary Session, 2013

INDEX TO SENATE JOURNAL
FIRST EXTRAORDINARY SESSION, 2013

INDEX TO SENATE JOURNAL

FIRST EXTRAORDINARY SESSION, 2013

ABSTRACT (Digest of All Legislation in Journal Proper):	
measures that passed both houses (Senate and House bills)	30
numerical list of all Senate bills and resolutions introduced,	
introduced, together with all House bills reaching Senate;	
complete Senate action on all categories shown	30-32
BILL HISTORY	30
CARMICHAEL, MITCH, a Senator from the Fourth District:	
appointed to select committee to notify House of Delegates	
Senate has assembled in extraordinary session (S. R. No. 101)	4
CHAFIN, H. TRUMAN, a Senator from the Sixth District:	
addressed the Senate	22
CLERK OF THE SENATE (Joseph M. Minard):	
executive communications presented by	25
proclamation from Governor, read by	2
COLE, WILLIAM, a Senator from the Sixth District:	
appointed to select committee to notify Governor Legislature	
is ready to adjourn <i>sine die</i> (S. R. No. 104)	21
COMMITTEES, SELECT:	
to inform Governor Legislature has assembled	5
to inform House of Delegates Senate has assembled	4
to notify Governor Legislature is ready to adjourn <i>sine die</i>	21
to notify House of Delegates Senate is ready to adjourn <i>sine die</i>	20
COMMITTEES, STANDING:	
on enrolled bills	
post-session reports from	23-24
COOKMAN, DONALD H., a Senator from the Fifteenth District:	
appointed to select committee to notify House of Delegates	
Senate has assembled in extraordinary session (S. R. No. 101)	4
appointed to select committee to notify Governor Legislature	
is ready to adjourn <i>sine die</i> (S. R. No. 104)	21
FITZSIMMONS, ROBERT J., a Senator from the First District:	
appointed to select committee to notify Governor Legislature	
has assembled in extraordinary session (S. R. No. 102)	5
appointed to select committee to notify House of Delegates	

Senate is ready to adjourn <i>sine die</i> (S. R. No. 103)	20
reports by, as member of committee on enrolled bills	24
GOVERNOR:	
action on bills	25
proclamation convening first extraordinary session of 2013	2-4
HALL, DANIEL, a Senator from the Ninth District:	
appointed to select committee to notify House of Delegates	
Senate has assembled in extraordinary session (S. R. No. 101)	4
appointed to select committee to notify Governor Legislature	
is ready to adjourn <i>sine die</i> (S. R. No. 104)	21
HALL, MIKE, a Senator from the Fourth District:	
bills introduced by request of executive	6, 7-8, 11-12
KESSLER, JEFFREY V., a Senator from the Second District:	
(see President of the Senate)	
KIRKENDOLL, ART, a Senator from the Seventh District:	
appointed to select committee to notify Governor Legislature	
has assembled in extraordinary session (S. R. No. 102)	5
appointed to select committee to notify House of Delegates	
Senate is ready to adjourn <i>sine die</i> (S. R. No. 103)	20
LAIRD, WILLIAM R., IV, a Senator from the Tenth District:	
prayer by	1
MISCELLANEOUS:	
constitutional rule suspension; prevailed	6, 9, 12, 15
night session	16
quorum roll call	1
NOHE, DAVID C., a Senator from the Third District:	
appointed to select committee to notify House of Delegates	
Senate is ready to adjourn <i>sine die</i>	20
PALUMBO, COREY, a Senator from the Seventeenth District:	
reports by, as member of committee	
on enrolled bills	23-24
PRAYER:	
daily	1, 17
PRESIDENT OF THE SENATE (Jeffrey V. Kessler):	
appointed select committees	4, 5, 20, 21
bills introduced by request of executive	6, 7-8, 11-12

called Senate to order	1
declared presence of a quorum	1
laid Governor's proclamation convening first extraordinary session of 2013 before Senate	2
presided as president	1, 17
 PREZIOSO, ROMAN W., JR., a Senator from the Thirteenth District:	
addressed the Senate	22
 UNGER, JOHN R., II, a Senator from the Sixteenth District:	
addressed the Senate	22
main motion	25
resolutions offered	4, 5, 20, 21
 WALTERS, CHRIS, a Senator from the Eighth District:	
appointed to select committee to notify Governor Legislature has assembled in extraordinary session (S. R. No. 102)	5

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
1001-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Permitting Monongalia County Commission levy district excise tax.	6			7	14	6-7, 24, 25
1002-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Establishing Volunteer Fire Department Workers' Compensation Premium Subsidy Fund.	7-8					8, 20
1003-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating to magistrate court system compensation.	8			10	17	9-11, 24, 25
1004-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating to local sales and use taxes and excise taxes.	11					11, 20
1005-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Making supplementary appropriation from Civil Contingent Fund and Consumer Protection Fund.	11-12			13	17	12-14, 23, 25

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
101 –	By Senator Unger: Raising committee to notify House of Delegates Senate has assembled.	4			4	4
102 –	By Senator Unger: Raising committee to wait upon Governor.	5			5	5
103 –	By Senator Unger: Raising committee to notify House of Delegates Senate is ready to adjourn <i>sine die</i> .	20			20	20
104 –	By Senator Unger: Raising committee to notify Governor Legislature is ready to adjourn <i>sine die</i> .	21			21	21

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
103-	By Mr. Speaker (Mr. Thompson) and Delegate Armstead [By Request of the Executive]: Distribution of state funds to volunteer fire departments.	14			16		15-16, 24, 25
105-	By Mr. Speaker (Mr. Thompson) and Delegate Armstead [By Request of the Executive]: Rule-making authority relating to administration, collection and enforcement of local sales, use and excise taxes by Tax Commissioner.	17			19		18-19, 24, 25

